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Friday,
4th May, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

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GIPN—S4—122 Lok Sabha—26-3-57—840

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LOK SABHA

Friday, 4th May, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

INDIANS IN CEYLON

***1925. Shri Gidwani :** Will the **Prime Minister** be pleased to state :

(a) the latest position regarding the working of Indo-Ceylon Agreement of 1954; and

(b) whether Government propose to lay on the Table of the House the correspondence exchanged between the Government of India and Ceylon Government on the subject?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) There have been difficulties in the working of Indo-Ceylon Agreement of 1954 mainly due to difference of opinion over the interpretation of some of the Clauses of the Agreement. There has been correspondence between the Prime Minister of India and the former Prime Minister of Ceylon in this connection.

(b) It is usual for such correspondence to be published only with the agreement of the Governments concerned. It is the intention to lay the correspondence on the Table of the House at an appropriate time after the consent of the Ceylon Government has been obtained.

Shri Gidwani : What is the latest position regarding registration? How many persons of Indian origin have been so far registered there, and is there a proportionate increase or decrease?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : We have not got any very recent figure. As the hon. Member must know, there have been general elections and political changes in Ceylon. And these naturally come in the way of normal developments. We have to wait a little and see when things settle down.

Shri Gidwani : May I know whether any fresh negotiations have been started by the new Government of Ceylon, as stated by the new Prime Minister of Ceylon?

Shri Jawaharlal Nehru: No, not negotiations as such. The new Prime Minister has expressed his wish to have talks with the representatives of the Government of India, in the future, and he stated this publicly. No doubt, something of that kind will be done in the future, but there has been no formal approach.

Shri R. P. Garg : What are the clauses in the Indo-Ceylon Agreement, over which there have been some differences of opinion between the two Governments?

Shri Jawaharlal Nehru: I can hardly read that agreement and go into a detailed exposition of it in answer to a supplementary question.

Shri D. C. Sharma : May I know whether the Prime Minister's suggestion that the disputed clauses in the Agreement should be referred to some arbitrator has been accepted by the Ceylon Government, and if not, at what stage, that suggestion stands now?

Shri Jawaharlal Nehru: This letter of mine making the suggestion referred to by the hon. Member was sent some number of months ago,—I do not exactly remember the date—that is, when the last Government was in

office, I should say, at least three or four months ago. No answer has come to that letter yet either from the regime of the last Government or the new Government. So, we are waiting for an answer.

तिब्बत में विश्राम घर

*१९२७. **श्री भक्त दर्शन** : क्या **प्रधान मंत्री** १२ मार्च, १९५५ के तारांकित प्रश्न संख्या ८०३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या तिब्बत के विश्रामघरों और उनके सामान को चीन सरकार को सौंपने का काम समाप्त हो चुका है; और

(ख) यदि हां, तो भारत सरकार को उनके मूल्य के रूप में अभी तक कितना धन मिल चुका है ?

वैदेशिक कार्य मंत्री के सभासचिव (श्री साबत अली खां) : (क) तथा (ख) जी हां। पूरे हिसाब में ३,१६,८२८ रुपए वसूल हुए हैं।

श्री भक्त दर्शन : इस इकरारनामे में एक शर्त यह रखी गयी थी कि चीन की सरकार इस बात को स्वीकार करती है कि ये घर आराम घरों के रूप में ही रखे जायंगे। मैं जानना चाहता हूं कि क्या इस शर्त का पूरी तरह पालन हो रहा है, और इस रिपोर्ट में कहां तक सत्य है कि इन आरामघरों को दफ्तरों के तौर पर या दूसरे तरीके से इस्तैमाल किया जा रहा है ?

श्री साबत अली खां : हमारे दोस्त कह रहे हैं कि इन आरामघरों को दफ्तरों में तबदील कर दिया गया है, लेकिन हमारे पास कोई इत्तला नहीं है कि इनको किस तरह से इस्तैमाल किया जा रहा है ?

श्री भक्त दर्शन : क्या इस बात की भी इसमें कोई शर्त रखी गयी है कि हमारे जो काउंसल जनरल, या वाणिज्य दूत, या पर्टक व दूसरे यात्री जो वहां जाते हैं, उनको भी इन आरामघरों में पहले की तरह रहने की सुविधा उपलब्ध हो, या इस बारे में कोई लिखा पढ़ी चल रही है ?

श्री साबत अली खां : अगर वे आरामघर आरामघर रहेंगे तो यकीनन ये लोग उनमें जाकर ठहरेंगे।

Shri B. D. Pande : My information is that these rest-houses were used by travellers going to Kailash and by trade agents, for purposes of stay. Do those conditions still exist there or not?

Shri Sadath Ali Khan : They have been handed over. I suppose the conditions will remain the same.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) *rose*—

Shri B. D. Pande : Where will our trade agents live then? Will they live in tents or in hutments?

Shri Jawaharlal Nehru : These rest-houses were built more particularly, I think, for the sake of our agents, postal runners and other official persons moving about. Now, they have been transferred to the Chinese Government. I cannot, for the moment, say exactly what privileges we can use as regards staying; but ultimately, it is for the Chinese Government to determine. They have got possession of those rest-houses; we have handed them over to them, and I do not think we can insist on travellers and others and everybody else staying there.

Match Industry

*1930. **Shri Natarajan** : Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to a supplementary raised on Starred Question No. 347, on the 29th February, 1956 and state:

(a) whether it is a fact that there was a Gentleman's Agreement between Government and the WIMCOS at the time of the Taxation Enquiry Commission early in the thirties, that the WIMCOS would restrict their production to 50 per cent. of the all-India consumption and the balance should be reserved for the hand-made industry; and

(b) if so, whether Government are taking any steps to implement it?

The Minister of Industries (Shri Kanungo) : (a) No, Sir. No such agreement to my knowledge in recent years.

(b) Does not arise.

Shri Natarajan : May I know whether there is unemployment at present in the hand-made match industry in the south, on account of competition from the WIMCO?

Shri Kanungo : We have no information about that. As regards the competition aspect of it, I might say that the 'B' class factories are showing up more production.

Shri R. P. Garg : May I know whether it is a fact that stocks of hand-made matches are lying unsold in many centres, where this enterprise was started?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : At what place?

Shri R. P. Garg : At the work-centres like Delhi and other places.

Shri T. T. Krishnamachari : I am afraid the question is extremely general. So far as my information goes, there is no sort of accumulation anywhere.

Shri N. B. Chowdhury : May I know what percentage of the total production of matches in India is produced by WIMCO?

Shri Kanungo : It is roundabout 50 per cent.

MANUFACTURE OF HYDRAULIC TURBINES

*1938. **Shri Shivananjappa** : Will the Minister of **Production** be pleased to state:

(a) whether the Government of India have selected the English Electric Company Ltd., (E.E.C.) of the U.K. as a subsidiary consultant for the manufacture of Hydraulic Turbines and associated equipment;

(b) if so, who are the main consultants; and

(c) the reason for selecting the subsidiary consultants?

The Deputy Minister of Production (Shri Satish Chandra) : (a) Yes.

(b) Associated Electrical Industries Ltd., of United Kingdom.

(c) Messrs Associated Electrical Industries are themselves not the manufacturers of Hydraulic Turbines and according to the agreement with them, it was open to the Govt. in consultation with the main consultants, to select another firm for subsidiary technical collaboration in the manufacture of this item.

Shri Shivananjappa : May I know whether any separate agreement was concluded with the subsidiary consultants, and if so, the duration for which it will remain in force?

Shri Satish Chandra : It is proposed to enter into an agreement with the English Electric Co. which has been selected for the purpose. No agreement has been signed so far.

Shri N. B. Chowdhury : What would be the liability of the Associated Electrical Industries Ltd., if they fail to maintain their contract in regard to the duration?

Shri Satish Chandra : A copy of the agreement is available in the Library of the House. All these things form part of the agreement.

Shri Joachim Alva : May I know for how many years the Associated Electrical Industries company has been carrying on its activities in this country? May I also know whether that company ever made an offer to an Indian firm to manufacture turbines in common?

Shri Satish Chandra : The Associated Electrical Industries does not manufacture turbines at all.

Shri Shivananjappa : May I know whether the main consultants have worked out the details of the project?

Shri Satish Chandra : The preparation of final project report is now being taken in hand. It will be available to the Government by the end of this year.

First Five Year Plan

***1940. Shri Sanganna :** Will the Minister of **Planning** be pleased to state:

(a) whether all the State Governments have spent the entire amounts placed at their disposal during the First Five Year Plan;

(b) if not, the names of the State Governments which were not able to do so; and

(c) the reasons thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) No Sir;

(b) on the basis of the Budget estimates of 1955-56 there will be some shortfall under the plans of Andhra, Bihar, Madhya Pradesh, Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat, Mysore, Saurashtra, Travancore-Cochin, Vindhya Pradesh and Manipur; and

(c) the reasons mainly are:

(i) late start of some schemes;

(ii) procedural difficulties in the initial years;

(iii) lack of trained personnel;

(iv) difficulties in getting equipments; and

(v) inability to raise resources.

Shri Sanganna : May I know the amount that has lapsed on account of each State Government?

Shri Hathi : I can lay a statement on the Table of the House.

सेठ अचल सिंह : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि उत्तर प्रदेश में प्रथम पंचवर्षीय योजन, का कितना रुपया खर्च होने से बच रहा है ?

Mr. Speaker : The hon. Minister may place the whole of the information on the Table of the House.

Shri Hathi : I shall lay a statement on the Table of the House. In the case of UP, the shortfall is Rs. 12·06 crores.

Shri Kamath : The Statement to be placed on the Table may show particulars about all the States.

Shri Hathi : I shall lay the statement for all the States where there are shortfalls.

Shri Kamath : Very good.

Shri N. M. Lingam : May I enquire if the Government have made an assessment of the achievements under the First Five Year Plan in terms both of physical and financial targets? If they have not, do they intend to do so before launching on the Second Five Year Plan, because it is very vital that.....

Mr. Speaker : He need not argue.

Shri Hathi : That is being done.

Shri L. N. Mishra : May I know the names of the States that have spent the full amounts allotted to them, or the highest percentage of the amounts allotted to them?

Mr. Speaker : It will be placed on the Table of the House.

Shri Hathi : I will lay a statement showing the shortfall in various States. The remaining States have utilised the full amount.

Shri A. M. Thomas : The causes can be classified into two, namely, administrative inefficiency and want of resources. May I enquire what exactly is the main reason for the shortfall in expenditure? May I also know whether the Central Government have examined the reasons in detail and issued any general directions to each State Government after studying the nature of their difficulties?

Shri Hathi : The reasons given by me are general reasons. Particular reasons apply to a particular project or a particular sector. There is, for example, lack of trained personnel in several sectors, the engineering sector, to mention one. This has been examined. Each one of the sectors may have its own difficulties. But I have given the main reasons. The States are also required to take the necessary steps in order that in future these difficulties may not arise.

Shri Punnoose : Now the information is being collected and placed before us. May I know whether during these five years, year after year, these figures have been looked into and suggestions made and corrections incorporated, to see that the expenditure is kept on par?

Shri Hathi : It is not that the information is being collected. We have the information already. Year to year, we get the progress reports. Those progress reports are placed before the House. The advisers of the Planning Commission go round the States. They examine the progress and the difficulties experienced and submit their reports to the Planing Commission. These are being considered and States are being instructed accordingly. In the first two years, the tempo of expenditure was rather less. But as years pass by, the tempo has increased.

Shri Raghavaiah : May I know whether Government have received any reasons from the Andhra State Government about its inability to spend the entire amount placed at its disposal?

Mr. Speaker : Has the Minister got separately the reasons given by the Andhra Government?

Shri Hathi : Not separately.

Help to Lebanon

***1942. Shri Gadilingana Gowd :** Will the **Prime Minister** be pleased to state:

(a) whether the Government of India have decided to send medical and other help to Lebanon for the relief of the victims of recent earthquake there; and

(b) if so, the nature of help to be given?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Yes. Help is being given in the form of relief goods for the sufferers like textiles, blankets, medicines and tents, to the total value of Rs. 50,000.

Shri Gadilingana Gowd: May I know whether the decision has already been implemented or it is going to be implemented?

Shri Sadath Ali Khan: A good number of articles have already reached Lebannon and the remaining will reach there shortly.

Shri Joachim Alva : Have the Government got a definite integrated plan to help countries of Africa in times of distress, or is it just a matter of going to their help on emergency occasions?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is rather difficult, if I may say so, to integrate emergencies. Apart from that, it is obvious that our resources are hardly adequate to meet our own needs. It is only because of our extreme desire to help our friends that we do so—very gladly do so—even at some cost to ourselves.

Inspection Wing

***1943. Shri S. C. Samanta :** Will the Minister of **Works, Housing and Supply,** be pleased to state:

(a) the total value of stores inspected by the Inspection Wing during 1955-56;

(b) what sort of technical assistance was rendered by the Inspectorate to various firms over and above the Stores Inspection during the period; and

(c) the items that were inspected by them free of charge?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): (a) Rs. 129·23 crores.

(b) and (c). A statement is placed on the Table of the House. [*See* Appendix XI, annexure No. 43].

Shri S. C. Samanta: May I know how much is charged by this Inspection Wing for the inspection of government commercial departments such as the posts and telegraphs, railways and also defence department.

Shri P. S. Naskar : In the case of commercial departments of the Central Government, defence services, State Governments and quasi-public bodies, departmental charges to the equivalent of 1 per cent. of the value of the stores were recovered from the departments concerned. This has now been reduced to 0·5 per cent. with effect from 1st April, 1956.

Shri S. C. Samanta : May I know the main functions of this Inspection Wing?

Shri P. S. Naskar : The Inspection Wing of the DGSD is a technical branch and its main functions cover a long list.

Shri S. C. Samanta : May I know whether newly registered firms also avail of the technical help of this inspectorate?

Shri P. S. Naskar : In the case of newly registered firms, technical assistance and guidance become necessary in order to enable such firms to produce stores up to the required specifications, and such assistance is provided by this Inspection Wing.

NORTH INDIAN TEA

***1944. Shri Bishwa Nath Roy** : Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that export of North Indian Tea declined during 1955-56 as compared to the exports during 1954-55?

The Minister of Commerce (Shri Karmarkar) : Yes, Sir.

Shri Bishwa Nath Roy : May I know the reasons for this decline?

Shri Karmarkar : The main reasons appear to be: firstly, some decrease in the export of tea in 1955 due to the relatively large carry over of the 1954 crop all over the world; secondly, the limitation of the facilities in the UK which is the main importing country; and thirdly, possible changes attempted in the auction system of Indian tea.

Shri Bishwa Nath Roy : May I know why the decline in export occurred specially of North Indian tea?

Shri Karmarkar : The question was asked about North Indian tea. About South Indian tea, I would like to have notice.

Shri Bishwa Nath Roy : May I know whether any step has been taken for improving the export of North Indian tea?

Shri Karmarkar : With regard to the first two reasons, there is possibly very little that we could do. Regarding the third reason, what we did was that we decided on 21st February, 1956 to allow freely export of unsold North Indian Tea to London auctions till 31-5-56.

Shri Raghavaiah : May I know whether these reasons apply to Indian tea?

Mr. Speaker : North Indian Tea is Indian tea.

Shri Raghavaiah : He said that South Indian tea was excluded.

Mr. Speaker : The question relates to North Indian tea, and so, facts have been collected about North Indian tea. About South Indian tea, if necessary, he will collect facts later.

Shri Joachim Alva : The Indian Tea Board spends enormous sums of money for propaganda to sell tea abroad. May I know whether the tea planters in the north are also included in this campaign or whether they are treated as poorer relations?

Shri Karmarkar : We do not treat anybody as relations or care for them or not care for them. For us, all Indian tea is the same, and we care for all. I am quite sure, the hon. Member knows about it.

SITUATION IN NAGA HILLS

***1945. Shri Kamath** : Will the **Prime Minister** be pleased to state :

(a) whether the Naga Hills District continues to be disturbed;

(b) whether there is progress towards normalcy and peace in that area; and

(c) if so, the present situation there ?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) to (c). Some disturbances take place from time to time in some parts of the Naga Hills District. Progress has, however, been made and adequate steps are being taken against the violent elements. The unified command was constituted in the middle of April. Increasing numbers of people are coming out in the open against the violent movement, and some village defence parties have themselves resisted violent attacks of the hostile elements.

Shri Kamath : After the recent debate in this House and in view of the reportedly improved and improving situation, does Government propose to consider a more fruitful and sympathetic approach to this question as a political and human problem, and not as a mere law and order question?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : Actually, Government has always been doing that; that is, we have never thought in terms of the problem being a just law and order problem. Throughout the many years, continuous efforts have been made to gain the goodwill of even those elements which have been hostile. Those attempts will continue. But, the Hon. Member will realise that when actually there is murder afoot, and there is looting and arson of individual groups of those persons who do not side with those hostile elements, steps have to be taken. Even now, as the House knows, the people of the Naga Hills District, under our Constitution have a great deal of autonomy. They have not utilised it. When the situation is better and calmer, we are prepared even to consider the matter of what changes can be made in regard to this autonomy so as to come more into line with the people's wishes there. But, even those steps can only be taken when the situation is completely altered.

Shri Kamath : Is the Prime Minister in a position to assure the House that our Army Commander and the Army authorities operating there are not dealing with the captured Nagas with harsh severity or in a vindictive spirit?

Shri Jawaharlal Nehru : I am sure they are not. These are our instructions and from certain statements issued by the General Officer Commanding, he has himself said so. I do not think, normally, many persons allow themselves to be captured. There are jungles; they wander about and there is some kind of conflict; may be firing takes place on both sides, which is not regular warfare or battle. It is a difficult terrain and odd people come in conflict with another batch of odd people.

Shri Kamath : Can the House be assured by the Prime Minister that the reports appearing in a section of the Press, about the Naga rebel leader Phizo approaching Pakistan for some purpose or other, are entirely baseless?

Shri Jawaharlal Nehru : How can I assure the House as to what Mr. Phizo does or does not do ?

Shri Kamath : Is he in possession of any information?

Shri Jawaharlal Nehru : I have no information in my possession, to indicate that he has approached Pakistan or any foreign power, obviously; I do not know what he does secretly.

Shri Punnoose : Has it come to the notice of the Prime Minister that there are certain complaints that innocent villagers and even women are being disturbed during these military operations and may I know what the Prime Minister is doing to guarantee that such things do not happen?

Shri Jawaharlal Nehru : But they have been very greatly disturbed by the hostiles and we are trying to give them protection and to help them. Our instructions are that these people should be treated in the friendliest way and given every protection.

Shrimati Khongmen : May I know what steps Government have taken so far to get the co-operation of the village chiefs who are very important persons in this areas, to bring normalcy and peace in this area ?

Shri Jawaharlal Nehru : It is difficult to detail the steps taken. As a matter of fact, even in Mr. Phizo's own village, the people have met together and condemned him and his violent activities.

TECHNICAL INSTITUTE FOR SMALL-SCALE INDUSTRIES

***1946. Dr. Ram Subhag Singh :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) the nature of assistance received by Government from the Government of West Germany and the Ford Foundation of America for setting up technical institutes for small-scale industries; and

(b) the number of technical institutes which are likely to be set up with this aid?

The Minister of Industries (Shri Kanungo) : (a) The Ford Foundation has given financial assistance for the purchase of equipment for the Small Industries Service Institutes as also for recruiting foreign technicians and consultants to be attached to the Institutes for specific assignments. No assistance has been received from the Government of West Germany for the Institutes.

(b) It is proposed to have at least one Institute with branch units in each State by the end of 2nd Five Year Plan period. In addition, there will be many Industrial Extension Centres in different parts of the country.

Dr. Ram Subhag Singh : May I know the amount of assistance received from the Ford Foundation?

Shri Kanungo : The initial offer was of 180,000 dollars and there is another offer of 1·3 million dollars for equipment for the Institute, etc.

Dr. Ram Subhag Singh : May I know whether that amount has been utilised and, if so, where those Institutes are going to be founded?

Shri Kanungo : The whole of it has not been utilised obviously. The 4 Regional Institutes are: one in Calcutta, one in Bombay, one in Delhi and the other is at Madura.

Shri A. M. Thomas : A special investigation team under the guidance of Dr. Staley was appointed to investigate into the wider uses of these technical institutions. May I know whether that team has submitted its report and, if so, what are its main recommendations?

Shri Kanungo : Dr. Staley's assignment was not exactly what the Hon. Member assumes. That team is looking into specific industries and they have already submitted three or four reports.

Shri Thimmaiah : May I know the number of foreign technicians that are going to be invited?

Shri Kanungo : Only as and when occasion arises. Up till now we have got about 6 or 7 of them. Some of them have completed their assignments.

श्री एम० एल० द्विवेदी : अभी मंत्री जी ने बतलाया कि हर राज्य में एक इन्स्टिट्यूट खोला जायेगा । मैं जानना चाहता हूं कि यह इन्स्टिट्यूट जिन स्थानों पर खोले जायंगे उनका चुनाव राज्य सरकारें करेंगी या केन्द्रीय सरकार या कोई और करेगा ।

श्री कानुनगो : यह किसी खास सरकार की राय पर निर्भर नहीं करेगा, सेन्ट्रल गवर्नमेंट और स्टेट गवर्नमेंट दोनों मिल कर चुनाव करेंगी ।

Shri Raghavaiah : May I know whether we have to pay back these amounts with interest and; if so, what is the interest?

Mr. Speaker : It is a loan to be paid back with interest?

Shri Kanungo : It is not a loan; it is a gift.

STEEL FOR RAILWAYS

***1948. Shri T. B. Vittal Rao :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) how the demand of 1 million tons of Steel for Railways for the year 1956-57 will be met; and

(b) the quantity of imported steel likely to be allocated to the railways during the same period?

The Minister of Industries (Shri Kanungo) : (a) and (b) : The Railway demand for iron and steel in 1956-57 is one million tons. This is made up of 840,000 tons of steel and 160,000 tons of pig iron. Besides this, the outstandings from the allocations made during the previous years are about 300,000 tons. It is proposed to meet 300,000 tons out of the demand for steel from indigenous production and the rest from imports.

Shri T. B. Vittal Rao : Sometime ago, we were told that the Railways are advised to use Thomas steel. May I know whether they have used it and what are the results?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : Sometime ago, the hon. Member asked the question or somebody from that direction. I said, the Railways have agreed to experiment with this Thomas quality steel. I am not yet in a position to say that the Railways are satisfied with the use of this type of steel because we have not heard from them.

Shri T. B. Vittal Rao : There are reports in the Press about the delegation being sent abroad to make purchases of steel. May I know whether that delegation has already left India?

Shri T. T. Krishnamachari : These are matters of normal incidence. I think in the case of short supply we send delegations. We sent one delegation abroad and may have to send more delegations. If the hon. Member has in mind the delegation which is going to make purchases for Railways, it has not yet left.

AMERICAN TEAM OF NUCLEAR SCIENTISTS

***1949. Shri N. M. Lingam :** Will the **Prime Minister** be pleased to state :

(a) whether any American team consisting of nuclear scientists has arrived in Delhi on an atomic survey tour of India; and

(b) if so, the nature of the survey that is being undertaken by this team?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) and (b) : An American team of nuclear scientists visited India in the third week of April 1956. The Brookehaven National Laboratory of the United States sent this team to the Colombo Plan countries. This was in connection with a proposal for a Nuclear Research Centre to be started in the Philipines by the U.S. Government.

The team discussed this proposal with the Planning Commission and the Department of Atomic Energy. They visited the Tata Institute of Fundamental Research, the Indian Cancer Research Centre, the National Physical Laboratory and other scientific institutions in the country.

Shri N. M. Lingam : May I know, if India was invited to participate in the establishment of the centre at Manila, and if so, what is the nature of our participation?

Shri Jawaharlal Nehru : There is no question of India participating in that centre. The decision was made by the U.S. Government of its own accord without reference to India or presumably to other countries so far as we know. Naturally we welcome the establishment of research centres anywhere in Asia, but so far as we are concerned, we are busy with our own work, which is pretty heavy. If other research centres are established, we should like to keep in contact and associate ourselves with the work they do, but we are not in a position to share the responsibility of running them.

Sardar Iqbal Singh : May I know whether there is any proposal for unified research for the whole of Asia on the basis of Eurotom?

Shri Jawaharlal Nehru : No, Sir. The only countries at the present moment, so far as I know, where this work is somewhat advanced, are India and Japan.

Shri N. M. Lingam : May I know if this centre is going to train scientists in South-East-Asian countries and whether it is the intention of the Government to send some nuclear scientists to this centre?

Shri Jawaharlal Nehru : So far as I know, the question is whether our trained people are to train their people at that centre; it is not for our people to go for getting training there; we are much more advanced. This advanced centre is in the air. We are training people here, and in the centres that we are establishing, we have offered to train people from other countries of Asia.

SECOND FIVE YEAR PLAN

***1953. Shri L. N. Mishra** : Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether a survey of maximum demands has been made of various State Governments, Ministries of Commerce and Industry, Production and Railways for Power during the Second Five Year Plan; and

(b) if so, how does the demand stand with the supply position?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) and (b). A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 44].

Shri L. N. Mishra : May I have an idea of all the anticipated power capacity during the Second Five Year Plan and the total demand anticipated?

Shri Hathi : The additional power generating capacity will be 3·4 million k.w. and the total will be 6·8 million k.w. at the end of the Second Five Year Plan.

Shri L. N. Mishra : May I know about the First Plan position, have we been able to consume all the power generated through the various river valley projects or are we in surplus?

Shri Hathi : If we take an overall picture, we are consuming the power generated in the country. But if we take individually, scheme by scheme, in some cases we have not yet been able to fully utilise and in others we have. On an overall picture, the power generated is being utilised.

Shri R. P. Garg : In view of the fact that there is a serious shortage of supply of power in Punjab and PEPSU and the hours of supply have been restricted, and in view of the increasing demand from industry and agriculture, may, I know if the Government would consider the desirability of putting up nine generating sets at Bhakra instead of five?

Shri Hathi : Perhaps that matter has been considered by an expert committee appointed by the Bhakra Control Board, and as and when the load demand increases, they will put in extra sets.

Shri Punnoose : When the requirements of power are assessed, is it that the needs of a particular State are taken into consideration or of a group of States or whole area where that power can be used? May I also know certain projects in the South, in Travancore-Cochin, have been held up on the ground that power is not immediately required in that State?

Shri Hathi : There are two or three ways of considering this question. One is the State-wise load survey; the other is the region-wise load survey; the third is the economic position of the project concerned. So far as the States are concerned, most of them made load surveys. The Central Water and Power Commission is also carrying on region-wise surveys, and

each project is being determined on the economic results of that particular project.

हिमालय में बाढ़ नियंत्रण सर्वेक्षण

*१६५६. **श्री भक्त दर्शन** : क्या **सिंचाई और विद्युत** मंत्री ६ अप्रैल, १६५५ के तारांकित प्रश्न संख्या १६७४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि बाढ़ रोकने की दृष्टि से सारे हिमालय प्रदेश का सर्वेक्षण कराने का जो निश्चय किया गया था, उस सम्बन्ध में अब तक कितनी प्रगति हो चुकी है ?

सिंचाई और विद्युत उपमंत्री (श्री हाथी) : हिमालय के नीचे के हिस्से की पहाड़ियों में स्थित खास खास क्षेत्रों का ही सर्वेक्षण किया जा रहा है । मार्च १६५५ के मध्य तक की प्रगति उस विवरण में दी गई थी जिसका निर्देश ६ अप्रैल १६५५ में पूछे गये तारांकित प्रश्न संख्या १६७४ के उत्तर में था । बाढ़ नियन्त्रण योजना के अन्तर्गत किये जाने वाले सर्वेक्षण और अनुसंधान की मार्च १६५६ के अन्त तक की प्रगति का विवरण सभा पटल पर रख दिया है (**देखिये** परिशिष्ट ११ अनुबन्ध सं० ४५)

श्री भक्त दर्शन : इस विवरण से ज्ञात होता है कि जो लक्ष्य निर्धारित किया गया था सर्वेक्षण का उसके पूरा होने में अभी काफी देरी है । मैं जानना चाहता हूं कि ज्यादा से ज्यादा कितने समय के अन्दर यह सर्वेक्षण पूरा हो जायेगा और वास्तविक बाढ़-नियंत्रण कार्य प्रारम्भ कर दिया जायेगा ?

श्री हाथी : हम एक साल भर के लिये लक्ष्य निश्चित करते हैं । इसका कारण यह है कि सारा हिमालय प्रदेश कोई ५०,००० मील में फैला हुआ है और इस सारे प्रदेश का सर्वेक्षण होना है । इसमें बहुत ज्यादा देर लगेगी । इस वास्ते एक एक साल के लिए टारगेट निश्चित किये जाते हैं । खास खास नदियों के सर्वेक्षण का काम आगे बढ़ रहा है । अभी पांच सात साल इस काम के पूरा होने में लग जायेंगे ।

श्री भक्त दर्शन : इस विवरण से ज्ञात होता है कि आसाम पश्चिम बंगाल, बिहार, और यू० पी० की राज्य सरकारों ने इस कार्य में सहयोग दिया है और वहां सर्वेक्षण कार्य चल रहा है । चूंकि हिमालय का सम्बन्ध तिब्बत, नेपाल, भूटान और सिक्किम की सरकारों से भी है तो मैं जानना चाहता हूं कि क्या वहां की सरकारों ने भी इस सम्बन्ध में सहयोग दिया है या दे चुकी हैं और क्या वहां भी काम चल रहा है ।

श्री हाथी : जी हां, नेपाल की सरकार सहयोग दे रही है और वहां भी काम चल रहा है ।

Shri C. R. Chowdhury: : May I know whether any comprehensive scheme of afforestation has been evolved to control the floods in the plains?

Shri Hathi : This question relates to survey in the Himalayan region. Afforestation is a different subject, but that is also an important subject and it is being looked into.

श्री विश्वनाथ राय : मैं यह जानना चाहता हूं कि घागरा और गंडक नदियों के बारे में जो सर्वेक्षण होना है उसकी क्या स्थिति है ?

श्री हाथी : गंडक के बारे में गोरखपुर की बगल में जो नेपाल की सीमा है इसमें काम हो रहा है और मेरे खयाल से घागरा के बारे में भी एक पार्टी नेपाल में गई हुई है और सर्वेक्षण कर रही है ।

श्री भक्त दर्शन : मैं ने जो प्रश्न पूछा था उसमें मैं ने यह जानना चाहा था कि क्या तिब्बत, नेपाल, भूटान और सिक्किम की सरकारें पूरा सहयोग दे रही हैं ? इसके उत्तर में माननीय मंत्री जी ने नेपाल का ही उल्लेख किया है और कहा ह कि वहां से सहयोग मिल रहा है । मैं जानना चाहता हूं कि अन्य राज्यों के बारे में क्या स्थिति है क्या वहां की सरकारें भी सहयोग दे रही हैं ?

श्री हाथी : सिक्किम ने हमें परवानगी दे दी है । आम तौर से खास (particular) काम हम करना चाहते हैं इसके लिये ही सम्मति दी गई है । तिब्बत में भी हमें पूरा सहयोग मिल रहा है । भूटान में जो कुछ काम हो रहा है इसको करने के बारे में भी सम्मति दे दी गई है लेकिन यह सम्मति पूरा काम करने के लिए नहीं है । जो काम हम करना चाहते हैं, उसके लिए ही सम्मति दी गई है ।

MIGRANTS FROM EAST PAKISTAN

***1958. Shri Kamath :** Will the **Prime Minister** be pleased to state :

(a) whether it is a fact that the Hindus of East Pakistan are being refused migration certificates by India's Deputy High Commissioner in Dacca;

(b) if so, the reasons therefor ; and

(c) if not, the policy and attitude of Government towards intending migrants from East Pakistan ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) to (c). No, migration certificates are not refused where, after proper examination of each case, the grant of these facilities comes within the rules.

The policy of the Government has, however, always been not to encourage the exodus of the minority community from East Pakistan to India. Efforts have been repeatedly made urging the Government of Pakistan to create conditions in East Pakistan to prevent this exodus. The Deputy High Commissioner for India in Dacca has also instructions to endeavour to convince the members of the minority community to remain in East Pakistan. But when any members of the minority community insist on coming to India, certificates are issued to them after proper examination of each case.

Shri Kamath : Is it not a fact that under the terms of the Nehru-Liaqat Ali Agreement of, I believe, 8th April 1950, the Pakistan Government assumed full responsibility for the minorities in Pakistan, particularly East Pakistan, and undertook to safeguard their life, property and honour; and if so, is the Prime Minister in a position to tell the House whether the Government of Pakistan has carried out its part of the agreement?

The Prime Minister and Minister of external Affairs (Shri Jawaharlal Nehru) : Yes, Sir. According to the terms of the Agreement, both the Governments undertook the responsibility of safeguarding the interests of their respective minorities. In our opinion, the Pakistan Government has not fully acted up to that statement in East Bengal. Now, it is not a question of opinion. The facts show that the minorities in East Bengal do not feel happy or secure and hence they migrate in large numbers. That fact in itself shows what their reactions and feelings are.

Shri Kamath : Is the Prime Minister in a position to tell the House whether, since the recent statements made by the Rehabilitation Minister, Shri Mehr Chand Khanna and the Minister of Minority Affairs, Shri Biswas, in this House,—subsequent to these statements,—the situation in East Pakistan with regard to the exodus is not so alarming as was pointed then and has improved?

Shri Jawaharlal Nehru: I believe the actual figures of migration are somewhat less but these minor variations do not make any major difference to the basic question. It may be a little more tomorrow. They are now somewhat less but they are still considerable.

Shri Kamath : What is the agenda for the ministerial conference to be held in Dacca?

Shri Jawaharlal Nehru : The chief item on the agenda is this exodus. That is the chief item; how to deal with it. And then there are the other pending items in regard to the questions between India and Pakistan.

RETENTION AND SELLING PRICES OF STEEL

***1960. Shri T. B. Vittal Rao :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether there is any proposal to increase the retention price of Steel in view of an increase in freight charges on the railways from the 1st April, 1956; and

(b) whether there will be any increase in the sale price of steel as a result thereof?

The Minister of Industries (Shri Kanungo) : (a) and (b) . The effects of the increase in the Railway freights on steel on the quantum of freight coverage available to the Iron and Steel Control Organisation are being watched. But no decision has been taken on the lines indicated in the question.

Shri T. B. Vittal Rao : May I know whether the TISCO have made any representation to the Government for such an increase?

Shri Kanungo : Not yet.

Shri N. B. Chowdhury : May I know whether the Government has received demands from various places for the revision of the place extra per ton which is causing difficulties to the manufacturers in different places?

Shri Kanungo : The place extras have been decided for the moment. Other. things are being considered irrespective of the requests or representations from other concerns.

D.V.C.

***1962. Shri S. C. Samanta** : Will the Minister of **Irrigation and Power** be pleased to state

(a) what steps have already been taken to absorb the surplus staff in D.V.C.:

(b) whether any enquiry has been made about the complaint that while some staff was being retrenched from one particular department of D.V.C. new persons to fill up similar posts were being recruited in the other departments; and

(c) if so, with what results?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) The attion of the hon. Member is invited to the statement laid on the Table of the House by me on the 3rd instant.

(b) and (c). Yes. Sir. The Corporation's report is awaited.

Shri S. C. Samanta : May I know the composition of the co-ordination committee which is now working for giving jobs to the surplus men?

Shri Hathi : There are representatives of the Bengal and the Bihar Governments on that committee. There is the representative of the DVC. We have also appointed a special officer from here.

Shri S. C. Samanta : May I know whether the associations there requested for representation on the committee, and if so, whether it has been considered?

Shri Hathi : Some of the representatives of the DVC staff came here. They met the Minister of Irrigation and Power. Certain instructions were issued to the DVC in that connection.

Shri S. C. Samanta : May I know, whether this committee has been appointed to assess the jobs in the DVC?

Shri Hathi : Yes. Sir.

KOSI WESTERN EMBANKMENT

***1964. Shri L. N. Mishra** : Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that some villages on the Western Kosi embankment had opposed the alignment of embankment proposed by the Central Water and Power Commission;

(b) if so, the villages that had opposed it;

(c) the reasons therefor;

(d) whether it is a fact that Central Water and Power Commission and the Kosi Project Administration had promised protective measure of some of those villages; and

(e) if so, the steps taken so far to materialise the said assurance?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) The villages are Matras, Tardiha, Bakhrain and a few others.

(c) The villages on the Western side of the embankment and people are afraid of being adversely affected as a result of the construction of embankment.

(d) The villagers were told that protection works would be investigated and would be done to the extent feasible.

(e) Mouths of a few Dhars, namely, Alola, Tardiha and Kushiali, which take off from the Kosi and affect the villages are being closed. In respect of the village Tardiha, it was proposed to construct a spur to afford protection, but, as a result of experiments at the Poona Research Station, it has been found that the spur might prove injurious for the embankment and villages lower down. Alternative Protective measures are under study and work will be undertaken as soon as a suitable protective measure is evolved.

Shri L. N. Mishra : May I know whether the provision of marginal embankments around the villages was examined?

Shri Hathi : It was examined. The experiments proved that the waters would be deflected and perhaps it would be injurious to the next village. That way a series of bunds would have to be constructed which perhaps may be very expensive and may not even serve the purpose.

Shri L. N. Mishra : Will the Government consider the proposal of rehabilitating those people who are expected to be adversely affected as a result of these things?

Shri Hathi : In case the measures evolved are not found to be sufficient, then others will have to be considered.

Geneva Agreement

***1966. Shri Kamath :** Will the **Prime Minister** be pleased to state :

(a) whether his attention has been drawn to a Reuter report from London dated the 10th April to the effect that Britain has officially taken the view that South Viet Nam is not bound by the terms of the Geneva Agreement of 1954 on Indo-China; and

(b) if so, whether India has been informed accordingly by the U.K. Government?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) Yes.

(b) Yes.

Shri Kamath : On what grounds has the UK Government come to the conclusion that South Viet Nam is not bound by the terms of the Geneva Agreement of 1954? Have those grounds been communicated to Government, and if so, do those grounds appear or sound reasonable to the Prime Minister?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : I would prefer not to enter into an argument about this matter at this stage. There are the two Co-Chairmen of the Geneva Conference. They are still meeting in London and considering the subject of Indo-China. We are in communication with them and so are the Chairmen of the International Commissions. Therefore, I submit that it would not be desirable for me to enter into a controversy at this stage with any of the Governments concerned.

Shri Kamath : Is it a fact that the French forces have pulled out, or are perhaps shortly pulling out, of South Viet Nam, and has India, as Chairman of the International Supervisory Commission, been requested by the Co-Chairman of the U.K. Government to continue to function in South Viet Nam or Viet Nam, even beyond the dead line when elections are scheduled to take place?

Shri Jawaharlal Nehru : It is true that the French forces have withdrawn. It is also true that the International Commissions have been requested by the two Co-Chairmen to continue and the International Commissions have agreed to do so for the time being pending the solution of certain problems which they have posed to the two Co-Chairmen; that

is, the Chairmen of the International Commissions have pointed out that unless certain satisfactory steps are taken it will not be possible for them to function properly. It is no good their saying they can function, if they cannot function. Therefore, they are waiting for the two Co-Chairmen to come to some conclusion about it.

Shri Kamath : Is it a fact that the Prime Minister has suggested to the two Co-Chairmen that the elections in South Viet Nam and North Viet Nam might be held at a later date, if not in July, 1956? I want to know whether such a proposal has been made.

Shri Jawaharlal Nehru : That is not for me to suggest, but I believe the idea was thrown out that if the obligations of the Geneva Agreement and the principles were accepted, it might be conveniently arranged to have the actual giving effect to the elections later on.

Shri Sadhan Gupta : May I know, now that the French forces have withdrawn and they were entrusted with the function of giving protection to the members of the Commission, what is the position of the members of the Commission in South Viet Nam; whether their safety is in jeopardy?

The Minister without Portfolio (Shri Krishna Menon) : The withdrawal of the French forces have not been completed. The withdrawal will be completed, under the present arrangements, only at the end of June. We have been informed recently that even irrespective of this withdrawal, at the request of the South Viet Nam Government, the French Government have agreed to a French military mission continuing in South Viet Nam. The French Government have also informed us that till 30th of June, they will continue to give logistic support to the Commission. The South Viet Nam Government have unilaterally proclaimed that they will offer protection to the personnel of the Commission. But, as the Prime Minister has just now said, all these matters are being carried on as best as possible pending a final way out being found by the Co-Chairmen.

Shri Kamath : When the French Foreign Minister, M. Pineau, was here sometime ago, was it suggested to him by the Prime Minister that he might try to persuade South Viet Nam to accept the obligations under the Geneva Agreement?

Shri Jawaharlal Nehru : I cannot go into private conversations, but, considering that the relations between the South Viet Nam Government and the French Government were not of extreme cordiality, it was hardly feasible for me to suggest to one of them to persuade the other.

Shri N. M. Lingam : May I know if the U.S. Government, which has great influence with the South Viet Nam Government, is co-operating with the two Co-Chairmen of the Conference?

Shri Jawaharlal Nehru : The U. S. Government is no doubt very greatly interested in Indo-China and the solution of the problem, but so far as Geneva Conference is concerned, the U.S. Government was not intimately connected with the decisions made. It is for the two Co-Chairmen to find out a solution.

COMMUNITY PROJECTS

***1926 Shri Bhakta Darshan (on behalf of Shri Krishnacharya Joshi)** : Will the Minister of **Information and Broadcasting** be pleased to state the steps taken to implement the Publicity Programme in the Community Project Area?

The Minister of Commerce (Shri Karmarkar) : Publicity Programme in the Community Projects is a part of the overall Integrated Publicity Programme of the Five Year Plan and is arranged through all the media and also in collaboration with Community Projects Administration. A statement showing broad heads of the activities is placed on the Table of the Lok Sabha [*See* Appendix XI, annexure No. 46].

श्री भक्त दर्शन : क्या इस बातका पता लगाने का प्रयत्न किया गया है कि इसमें जो प्रचार के दस उपाय बताये गये हैं उनके फलस्वरुप योजना को पहले से अधिक बल मिलने लगा है?

श्री करमरकर : जहां तक हम जानते हैं इन उपायों से हमको काफी सहकार मिला है और यह उपाय जनता म ज्यादा उत्साह और उत्तेजन पैदा करने में सफल हुए हैं।

MODEL SCHEMES FOR SMALL SCALE INDUSTRIES

***1963. Shri Bhakta Darshan (on behalf of Shri Krishnacharya Joshi)** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether any Model Schemes for Small Scale Industries have been prepared by the Development Commissioner's Office;

(b) if so, the names of model schemes prepared; and

(c) whether the model schemes are made available to interested parties?

The Minister of Industries (Shri Kanungo) : (a) and (c) : Yes, Sir.

(b) A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 47].

श्री भक्त दर्शन : इस स्टेटमेंट को देखने से ज्ञात होता है कि इन योजनाओं को नई दिल्ली, मद्रास और एक अन्य स्थान पर चालू करने का विचार किया जा रहा है। मैं जानना चाहता हूं कि क्या इस प्रकार की योजनायें देश के अन्य भागों के लिये भी बनायी जा रही हैं और इसके लिये लोगों को किस प्रकार का प्रोत्साहन दिया जा रहा है।

श्री कानूनगो : मैंने पहले एक सवाल के जवाब में बतलाया था कि ये इंस्टीट्यूट देश के चार कोनों में बनाये जायंगे और हर स्टेट के लिए पांच बरस में ब्रांच इंस्टीट्यूट बनेंगे।

RATES AND COST COMMITTEE

***1931. Shri L. N. Mishra** : Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether the Rates and Costs Committee set up by Government has submitted its report; and

(b) if so, their main findings and recommendations?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes, Sir.

(b) A statement giving the summary of the recommendations contained in Part I of the Report, of the Rates & Costs Committee is laid on the Table of the House. [*See* Appendix XI, annexure No. 48]. Part II of the Report relates to accounting procedure and cognate matters which fall within the scope of Article 150 of the Constitution hence Part II has been transmitted for necessary action to the Comptroller and Auditor General.

Shri L. N. Mishra : May I know whether recommendation No. 19 of the report, that for the sake of coordinated development and economy in manpower and equipment river valley projects should be made a central subject, has been examined by the Government and, if so, what is the decision that the Government has arrived at?

Shri Hathi : The report has not yet been considered. It will first be discussed at the seminar and then it will be placed before the Board. It has not been discussed as yet.

RADCLIFFE AWARD

***1937. Sardar Iqbal Singh** : Will the **Prime Minister** be pleased to state :

(a) the names and number of the villages in India by the Radcliffe Award which were situated on the other side of the River Ravi and River Sutlej in the Punjab;

(b) whether any effective control has been exercised on these villages by the Indian Government;

(c) if not, the number of persons who were unable to live in these villages due to the border situation and were compelled to leave their homes; and

(d) whether Government have taken any steps for the protection and rehabilitation of those persons?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) Information as to the names and number of such villages is not available with the Government of India but according to rough estimates, about 46,000 acres of territory which belongs to India under the Radcliffe Award lie on the Pakistani side of the Ravi and the Sutlej.

(b) Soon after Partition, the Area Commanders of the two countries reached an informal agreement to treat the two rivers (except where they were bridged) as the *de facto* boundaries, pending final demarcation of the boundary. Since then this Agreement has formed the basis of the *status quo*. Consequently, Pakistan is in control of most of the Indian areas on the other side of the rivers and *vice versa*.

(c) and (d) : Exact information is not available. Some of the inhabitants of Indian villages lying on the Pakistani side of the rivers must have crossed over to the Indian side soon after Partition.

Sardar Iqbal Singh : May I know whether any step towards help or rehabilitation of these villages has been taken?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : We do not even know whether any person has crossed over. There is no question of rehabilitation or anything.

WRITTEN ANSWERS TO QUESTIONS

Indian Exhibition in Gold Coast

***1928. Shri Wodeyar** : Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have decided to arrange shortly a wholly Indian Exhibition in the Gold Coast;

(b) if so, the number of other places to which this exhibition will move; and

(c) the object of the exhibition?

The Minister of Commerce (Shri Karmarkar) : (a) Yes, Sir.

(b) The exhibition will be moved to one more place, namely, Lagos in Nigeria.

(c) The object is to promote export trade by means of visual commercial publicity for exportable manufactured goods particularly cotton and silk textiles, handicrafts and products of small scale industries.

Economic and Industries Research Institutes

***1929. { Shri Sivamurthi Swami: Shri Brajeshwar Prasad:**

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government are plannig to establish an Institute of Economic and Industries Research: and

(b) if so, whether foreign aid is sought for the establishment of this Institute?

The Minister of Commerce (Shri Karmarkar) : (a) and (b) . Government are not planning to establish an institute of this nature. It is understood that a privately sponsored institute on these lines is likely to be established in the near future.

Border Incidents

***1932. Shri M. Islamuddin** : Will the **Prime Minister** be pleased to refer to the reply given to Unstarred Question No. 555 on the 15th December, 1955 regarding the shooting of an Indian National by Pakistan police near Purnea (Bihar) border in November, 1953 and state:

(a) whether the Government of Pakistan have since considered the report submitted to them by their representatives; and

(b) if so, the final decisions arrived at in the matter?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) and (b). The matter is still pending with the Gov-

ernment of Pakistan who have not yet communicated their decision on the findings submitted by their representative at the Joint enquiry into the incident.

TRADE MARK ENQUIRY COMMITTEE

*1934. **Shri Shree Narayan Das :** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 239 on the 3rd December, 1955 and state:

(a) whether Government have taken any decision on the Report of the Trade Marks Enquiry Committee; and

(b) if so, the important points thereof?

The Minister of Commerce (Shri Karmarkar): (a) and (b). No, Sir. The report of the Committee is still under examination.

INTERNATIONAL ATOMIC ENERGY AGENCY

*1935. **Shri S. V. Ramaswamy :** Will the **Prime Minister** be pleased to state:

(a) the progress made in the 12 nation talks recently in Washington on the establishment of an International Atomic Energy Agency; and

(b) India's view-point in the matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The meeting of the twelve nation Committee to consider the draft statute of the proposed International Atomic Energy Agency commenced in Washington on the 27th of February 1956, but adjourned later. The meeting was scheduled to resume on the 10th of April, 1956. The full report of the meetings has not yet been received.

(b) The Government of India have proposed certain amendments to the Draft Statute with the following objectives.

(i) that the Agency should have a close relationship with United Nations reporting regularly to the General Assembly of the United Nations and, when appropriate, to the Security Council and the Economic and Social Council. (This objective was achieved fully in the Washington and New York meetings by unanimous agreement).

(ii) that the Board of Governors of the Agency should have an equitable geographical composition in which the different areas of the world, including particularly Asia and Africa, should be adequately represented. The composition of the Board of Governors has not been finally settled yet, though very considerable progress in the above direction has been made.

(iii) that the Agency should not be in a position to throttle any developments which any country or group of countries undertakes on its own initiative without aid from the Agency. In other words, the agency should not be put into the position of operating like a cartel.

(iv) that the inspection and safeguard provisions should be reasonable and ensure that any aid given by the Agency is not used directly for furthering a military purpose. The inspection and safeguards should not, however, be so rigorous as to give the Agency a hold on the economic life of the country through control of fissionable material or lead to the development of an unhealthy situation in which States in the world receiving aid from the Agency are put into a different class from those who do not go to the Agency for aid.

FOREIGN CAPITAL

*1936. **Shri Keshavaiengar :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that Government have reduced the proportional limit of restriction of foreign capital in Indian Industrial enterprises;

(b) if so, to what extent it is reduced; and

(c) the reasons for doing so?

The Minister of Industrial Development (Shri M. M. Shah): (a) to (b): No, Sir. Each case involving participation of foreign capital in industries is considered on its merits.

NETAJI SUBHAS CHANDRA BOSE

***1939. Shri Amjad Ali :** Will the **Prime Minister** be pleased to state whether it has been ascertained that the list of war criminals of Great War II contains the name of Netaji Subhas Chandra Bose?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : There is no question of Netaji Subhas Chandra Bose being in the list of war criminals and Government propose to take no action in this matter.

LOANS TO DISPLACED PERSONS IN TRIPURA

***1941. Shri Dasaratha Deb:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the scale of business loan that is being given to the Displaced Persons who are settled in the Government colony in Tripura;

(b) whether there is any difference in the amount of loan that is being paid, between the Displaced Persons, who are settled in Government Colony and the Displaced Persons settled outside Government Colony; and

(c) if so, what is the distinction?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle) : (a) There is no scale for business loans in Government sponsored colonies as such. There is only a ceiling of Rs. 500 per family which is applicable both to Government sponsored as well as other colonies.

(b) The actual amount of loan paid to the displaced persons whether settled in Government colony or outside is related to actual needs and is given on the merits of each individual case.

(c) Does not arise.

SITUATION IN NAGA HILLS

***1947. Shri Rishang Keishing:** Will the **Prime Minister** be pleased to refer to the reply given to Short Notice Question No. 7 on the 3rd April, 1956 and state the number of women arrested and convicted out of the number of arrests and convictions of 314 and 100 respectively in the Naga Hills?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika) : 54 women have been arrested out of which 48 have been convicted and awarded fines.

REBEL NAGAS

***1950. Shri B. S. Murthy** : Will the **Prime Minister** be pleased to state :

(a) whether rebel Nagas had taken two overseers as captives on the 26th March, 1956 and let off later on;

(b) the circumstances under which they were taken captives and later on let off; and

(c) the steps taken to protect Government officials against rebel Nagas?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika) : (a) to (c) : Yes. On the 26th March, 1956, two overseers while proceeding towards Sanis Village, were kidnapped by armed Nagas. They were subsequently released at Sanis and reached Kohima safely on 10th April, 1956. Measures have been taken to give adequate protection to Government officials against violent elements.

INVITATION TO THE PRESIDENT OF U.S.A.

***1951. { Shri Krishnacharya Joshi : Shri Keshavaiengar : Shri Bibhuti Mishra :**

Will the Prime Minister be pleased to state whether Government have extended an invitation to the President of U.S.A. to visit India ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): Yes.

ELECTRIC CABLES FACTORY AT MADRAS

***1952. Shri Sivamurthi Swami :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that a factory to manufacture electric cables and wires is going to be established shortly in Madras; and

(b) if so, the estimated cost and the production capacity of this factory?

The Minister of Industrial Development (Shri M. M. Shah) : (a) and (b). An application under the Industries (Development and Regulation) Act, 1951 has been received from an Indian firm to set up a factory in Madras for the manufacture of insulated wires and cables in collaboration with a German firm. This is under examination.

COFFEE

***1954. Shri M. Islamuddin :** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to the Starred Question No. 869 on the 15th December, 1955 and state :

(a) whether the Special Officer appointed to conduct a detailed survey of all cultivable lands in the States of Coorg, Mysore and Madras with a view to increasing the acreage under Coffee cultivation has since submitted his report; and

(b) if so, the main contents of the report ?

The Minister of Commerce (Shri Karmarkar) : (a) Yes, Sir; in respect of North Canara and Coorg.

(b) According to his report, about 25,000 acres of jungle are estimated to be available for coffee cultivation, in North Canara.

As regards Coorg, it is estimated that about 11,800 acres of abandoned area are fit to be reclaimed and 24,600 acres of virgin jungle suitable for new plantings.

ENQUIRY INTO NETAJI'S DEATH

***1955. Shri Amjad Ali :** Will the **Prime Minister** be pleased to state :

(a) whether the Committee constituted for the purpose of enquiry into Netaji's death has called upon some witnesses to come up and depose with regard to "disappearance of Netaji" while others have been asked to come and depose with regard to "circumstances of Netaji's death"; and

(b) as the phrasing "disappearance of Netaji" and "circumstances of Netaji's death" widely differ in their connotation, whether they were purposely so chosen?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). So far as is known, in none of the communications to witnesses asking them to appear before the Committee were the words "disappearance of Netaji" used.

The terms of reference of the Committee are "to enquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident and subsequent developments connected therewith." These terms were purposely chosen to cover all aspects. There is no special significance in the wording of the request to the various witnesses to come up to give evidence.

RESEARCH CENTRE FOR COSMIC RAYS

***1957. Shri S. V. Ramaswamy :** Will the **Prime Minister** be pleased to state:

(a) the progress made towards making Khilanmarg area a research centre for Cosmic rays;

(b) how this will be linked to the work carried on in the Physical Research Laboratory at Ahmedabad; and

(c) number of Cosmic rays stations that are proposed to be set up in India and where?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) I would invite the attention of the hon. Member to pages 19 and 20 of the Report of the Department of Atomic Energy for the year 1954-55 and page 7 of the Summary for 1955-56, copies of which have been placed on the Table of the House and in which the position regarding the setting up of a high Altitude Cosmic Ray Research Station in Kashmir has been fully explained. As mentioned in the Summary for 1955-56, the survey report received from Messrs. Gillanders Arbuthnot & Co. Ltd., is under examination.

(b) Pending the establishment of the permanent station after the construction of a ropeway, a grant was made available during 1955-56 to the Physical Research Laboratory Ahmedabad for equipping a tentative laboratory of standard design with arrangements for telemetering cosmic ray pulses in the Gulmarg-Khilanmarg area. The new unit started operating at Gulmarg in 1955. A bloc grant for research on cosmic ray subjects was also made to the Laboratory, which has set up cosmic ray telescopes at Ahmedabad, Kodaikanal and Trivandrum in addition to the Gulmarg outstation.

(c) I would invite the attention of the hon. Member to the copy of the Report on the High Altitude Cosmic Ray Research Station laid on the Table of the House on 11th April 1955 in answer to Starred Question No. 2139-A by Shri Bhakt Darshan. As will appear from para 3 of the Report, cosmic ray work is being conducted also at Kodaikanal and Ootacamund-Dodabetta which are places near the magnetic equator.

NAGA HILLS

***1959. Shri Rishang Keishing** : Will the **Prime Minister** be pleased to state:

(a) whether there is any village or area in Naga Hills which is at present under the control of the hostile Nagas;

(b) if so, the number of villages or names of the areas; and

(c) the progress of the operation against hostile Nagas so far?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika) : (a) to (c). No village or area in the Naga Hills is under the control of the hostile Nagas. There are, however, about half a dozen villages where the violent Nagas after pursuit by our forces have taken shelter. The operations by our forces are being stepped up and have made satisfactory progress.

BASIC CHARTER FOR THE INTERNATIONAL ATOMIC ENERGY AGENCY

***1961. Shri Shree Narayan Das** : Will the **Prime Minister** be pleased to state:

(a) whether the text of a basic charter for the proposed International Atomic Energy Agency agreed to by the 12-nation working level meeting is available with Government; and

(b) if so, its important features?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) and (b). The text of the basic charter for the proposed International Atomic Energy Agency has not yet been received by Government.

SMALL SCALE INDUSTRIES IN N.E.F.A.

***1965. Shri Rishang Keishing** : Will the **Prime Minister** be pleased to state:

(a) the number of persons and organisations which received loan during 1954-55 and 1955-56 in the whole of North East Frontier Agency for small scale industries; and

(b) the conditions on which the loans have been given?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika) : (a) and (b). No loan for small scale industries was granted in the North East Frontier Agency during 1954-55 and 1955-56.

ROAD DEVELOPMENT IN RAJASTHAN

1760. Shri Bheekha Bhai : Will the Minister of **Planning** be pleased to state the provisions made in the Second Five Year Plan under road development for South East parts of Rajasthan?

The Deputy Minister of Planning (Shri S. N. Mishra) : The Commission have approved a provision of Rs. 8.99 crores for road development in the entire State of Rajasthan under the Second Five Year Plan. The amount to be allocated for the South East parts of the State from this provision is still under consideration of the State Government.

CARBON BLACK

1761. { Shri Ram Krishan : / The Lakshman Singh Charak :

Will the Minister of Commerce and Industry be pleased to state the progress so far made for the manufacture of Carbon Black in India ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : A small factory has already been set up for producing carbon black, but its output is very small compared with the country's requirements, which are increasing. The quality of the product needs further improvement. Carbon black has, therefore, been included in the programme of the National Industrial Development Corporation and manufacture is envisaged to be based on creosote oil as one of the raw materials. Supplies of creosote oil in the required quantities may be expected only with the commencement of distillation of coal tar from the new iron and steel plants and, therefore, actual manufacture of carbon black on a large scale is likely to take some time.

राष्ट्रीय विस्तार सेवा खंड

१७६२. श्री भक्त दर्शन : क्या योजना मंत्री १६ मार्च, १९५६ के अतारांकित प्रश्न संख्या ४४० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर प्रदेश में छः नये विकास खंड, जो राष्ट्रीय विस्तार सेवा योजना के अन्तर्गत १ अप्रैल, १९५६ से प्रारम्भ किये जाने वाले थे, वास्तव में चालू किये जा चुके है; और

(ख) यदि हां, तो वे कहां-कहां तथा किन-किन जिलों में प्रारम्भ किये गये हैं ?

योजना उपमंत्री (श्री एस० एन० मिश्र) : (क) नहीं ।

(ख) यह प्रश्न ही नहीं उठता ।

SERICULTURE

1763. Shri C. R. Narasimhan : Will the Minister of **Production** be pleased to state the broad outline of schemes under examination and contemplation for the development of sericulture in Madras State during the Second Five Year Plan ?

The Minister of Production (Shri K. C. Reddy) : The following schemes are proposed to be implemented for the development of sericulture industry in Madras State in the Second Five Year Plan :—

1. Mulberry expansion.
2. Improvement in seed production.
3. Silk worm rearing.
4. Cocoon production and sale.
5. Improvement of silk reeling.
6. Imparting technical training in Sericulture.
7. Deputation of officers to foreign countries.
8. Introduction of Sericultural Industry in Kullimalai Hills in Salem District.

A sum of Rs. 26.137 lakhs has tentatively been allocated by the Central Silk Board for execution of these schemes.

HANDLOOM CLOTH

1764. Shri Krishnacharya Joshi : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the total amount of subsidy given on the sale of handloom cloth from the 1st November to 15th November, 1955; and

(b) the total yardage of cloth sold?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari):

(a) Rs. 16,03,027/- 6/9.

(b) 14,124,259 Yds.

The figures are provisional as complete information has not been received from a few States.

रबड की खेती

१७६५ **श्री विभूति मिश्र :** क्या **वाणिज्य और उद्योग** मंत्री यह बताने की कृपा करेंगे कि १९५४–५५ और १९५५–५६ में कुल कितनी एकड़–भूमि में रबड़ की खेती हुई ?

वाणिज्य और उद्योग तथा लोहा और ईस्पात मंत्री (**श्री टी० टी० कृष्णाम्माचारी**) : रबड़ बोर्ड में रबड़ की खेती की पूंजीबद्ध क्षेत्र इस प्रकार था :—

३१–१२–१९५४ को	१७६,६४७ एकड़
३१–१२–१९५५ को	२१५,७२६ एकड़

EXPORT OF BIRDS

1766. **Shri D. C. Sharma :**
Sardar Iqbal Singh :
Sardar Akarpuri :

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of birds exported during 1955-56; and

(b) the approximate value thereof?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) and (b). 320,816 birds valued at Rs. 4,83,555 have been exported during 1955-56.

COFFEE CULTIVATION

1767. Shri D. C. Sharma : Will the Minister of **Commerce and Industry** be pleased to state:

(a) the area under coffee cultivation in the country at the end of 1955;

(b) the new areas brought under coffee cultivation during the years 1952, 1953, 1954 and 1955 respectively (State-wise), and

(c) the new areas proposed to be brought under coffee cultivation during 1956-57 (State-wise)?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) The area under coffee cultivation in India during the crop year 1954-55 was 2,52,686 acres.

(b) A statement is attached. [*See* Appendix XI, annexure No. 49].

(c) State-wise or year-wise details are not available. A scheme for increasing coffee cultivation in the country is under consideration. Under this scheme, it is estimated that 23,700 acres might be brought under new coffee cultivation during the five-year period 1956—61.

CREOSOTE

1768. Shri M. R. Krishna : Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of Creosote produced in the country;

(b) the quantity that is utilized by the Government departments and the quantity which is sold in the open market; and

(c) the total amount received annually from the sale of Creosote?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) 4,340 tons in 1955.

(b) In 1955, the producers sold 3,069 tons of Creosote Oil to Government departments and 1,530 tons to others.

(c) About Rs. 15 lakhs in 1955.

ALUMINIUM INDUSTRY

1769. Shri Ram Krishan : Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Expert Committee constitued by Government for the development of Aluminium Industry has submitted its report; and

(b) if so, the main recommendations thereof?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) No, Sir.

(b) Does not arise.

FILM ON ACHARYA VINOBA BHAVE

1770. Shri M. Islamuddin : Will the Minister of **Information and Broadcasting** be pleased to refer to the reply given to Unstarred Question No. 440 on the 12th December, 1955 and state:

(a) whether the documentary film on Acharya Vinoba Bhave and on his Bhoodan Movement is ready for release;

(b) if so, its length, principal features and cost; and

(c) if not, the time by which it will be completed?

The Minister of Commerce (Shri Karmarkar) : (a) No.

(b) Does not arise.

(c) it is expected that the film will be completed by the end of the year.

SECOND FIVE YEAR PLAN

1771. Shri I. Eacharan : Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the "Kanhira puzha" Scheme in Walluvanad Taluk, Malabar District has been included and sanctioned in the Second Five Year Plan; and

(b) what are the other major Schemes, recommended for the Malabar District in Second Five Year Plan by the State Government?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) No, Sir.

(b) Following are the other Major Schemes that had been recommended by the State Govt., for Malabar District, in the 2nd Five Year Plan :—

(1) Palakazi Puzha Reservoir.

(2) Meenakari Reservoir.

RURAL ELECTRIFICATION SCHEMES

1772. Shri Ram Krishan : Will the Minister of **Planning** be pleased to state:

(a) whether the rural and small towns electrification Schemes of various States for inclusion in the Second Five Year Plan have been finalised; and

(b) if so, the details thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) and (b) A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 50].

GANGUWAL POWER HOUSE

1773. Shri Ram Krishan : Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that all the towns and villages which were scheduled to be supplied power before 31st March, 1956 from Ganguwal Power House, have not been supplied power so far; and

(b) if so, the reasons for the delay?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) The reply is in the negative as no separate programme was fixed for Ganguwal Power House.

(b) Does not arise.

Ambar Charkha

1774. Shri Balwant Singh Mehta : Will the Minister of **Production** be pleased to state whether it is a fact that Shri Krishnadas Gandhi, one of the members of the Committee appointed by the Ministry of Production to investigate the technical potentialities of the *Ambar Charkha* made a statement in the Press that experiments on *Ambar Charkha* are over and it was found quite satisfactory?

The Minister of Production (Shri K. C. Reddy) : In his capacity as Secretary of the Ambar Charkha Committee of the Sarva Seva Sangha, Shri Krishnadas Gandhi, issued a Press Statement at Ahmedabad on 30-3-56 to the effect that *Ambar Charkha* had passed the experimental stage and proved its efficiency.

The Government will, however, be in a position to come to a final decision only after the Report of the Ambar Charkha Committee set up by the Government has been received and examined.

नगरपालिकाओं को अनुदान

१७७५. **श्री अमर सिंह डामर** : क्या **योजना** मंत्री यह बताने की कृपा करेंगे कि क्या मध्य भारत सरकार ने द्वितीय पंच-वर्षीय योजना में नगरपालिकाओं को अतिरिक्त राशियों के देने के बारे में केन्द्रीय सरकार के पास कोई प्रस्ताव भेजी है ?

योजना उपमंत्री (श्री एस० एन० मिश्र) : जी हां ।

Ambar Charkha

1776. Shri Shivananjappa : Will the Minister of **Production** be pleased to state :

(a) whether the All-India Khadi and Village Industries Board has proposed the establishment of a large factory in Krishnarajapuram near Bangalore for the manufacture of *Ambar Charkhas* to meet the needs of the various South Indian States;

(b) if so, whether the Board has sent up a proposal to the Mysore Government requesting the grant of certain facilities; and

(c) whether Mysore Government has sent its approval for the establishment of the plant?

The Minister of Production (Shri K. C. Reddy) : (a) to (c) : The Khadi Board is contemplating to establish a training-*cum*-production centre and a Saranjam Karyalaya at Krishnarajapuram, in connection with their *Ambar Charkha* programme. The question of renting a suitable building for the purpose has been taken up with the Government of Mysore and their reply is awaited.

Indo-Pakistan Correspondence

1777. Shri D. C. Sharma : Will the **Prime Minister** be pleased to lay on the Table of the Sabha, copies of the correspondence exchanged between himself and the Pakistan Prime Minister on 'No War Declaration' and on Indo-Pakistan problems?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : Government do not at this stage propose to place the correspondence recently exchanged between the Prime Ministers of India and Pakistan on the Table of the House.

National Small Industries Corporation

1778. Shri Krishnacharya Joshi : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the total amount of Government orders secured for small units by the National Small Industries Corporation during 1955-56;

(b) the total amount of Government orders for small scale units executed by the Corporation; and

(c) what other assistance was given by the Small Industries Corporation to Small Units?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Rs. 4,68,595/-

(b) Deliveries against the contracts are to commence from May, 1956;

(c) In order to help the marketing of products of Small Scale Industries, the Corporation has put on the road 3 mobile sales vans to sell about 300 consumer goods from the Delhi region. In addition, a whole-sale depot has been set up at Agra for marketing footwear produced by Small Scale Units at Agra. Steps have also been taken to open another whole-sale depot at Aligarh for marketing Aligarh locks and Khurja potteries. Further, to provide Small Industrial Units, having limited financial resources, with facilities for acquiring machines and equipment on easy terms the Corporation has launched a scheme for the supply of such machines on a hire purchase basis.

N.E.S. Blocks in Tripura

1779. Shri Biren Dutt : Will the Minister of **Planning** be pleased to state :

(a) the specific works taken in hand in N.E.S. Blocks in Tripura;

(b) the amount spent on them after the starting of these Blocks; and

(c) the difficulties impending the progress of the activities of these Blocks?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) There are two NES Blocks in Tripura. One has been allotted with effect from 1-4-56 and the other Block *viz.* Kailasahar is in operation since August, 1955. The following specific works involving construction have been taken in hand in the Kailasahar NES Block out of the Block budget at a cost noted against each :—

	Rs.
(i) Grants-in-aid towards construcion of school buildings @ Rs. 5000/- each to five schools.	25,000/-
(ii) Construction of 40 miles of roads including 5 bridges of 50 Rft. each and 13 bridges of 20 Rft. each (only cost of bridges will be borne by Govt. the earth work and contribution of land will be done by villagers).	1,00,000/-
(iii) Sinking of 10 tubewells.	5,000/-
(iv) Digging of 10 ring wells.	12,000/-
(v) Digging of 50 dug-well latrines.	2,500/-
(vi) Digging soakage pits.	1,500/-
(vii) Construction of 500 Rft. pucca drainage.	1,500/-

In items (iii) to (vii)-50% of the cost will be borne by the villagers.

(b) Separate figures are not available. The expenditure incurred in the Block which started functioning from August, 1955 up to 31-12-55 is Rs. 12,190.

(c) No special difficulty has been reported by the State Government.

Howra River Embankment

1780. Shri Biren Dutt : Will the Minister of **Irrigation and Power** be pleased to state :

(a) the amount of land which has been acquired by the Government of Tripura for embankment of Howra river at Agartala (Tripura);

(b) whether the acquisition notices were served in time;

(c) whether any interim money was paid for the houses to their owners; and

(d) whether alternate land has been given to build houses which have been acquired for the embankment?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) 97·52 acres approximately.

(b) The reply is in the affirmative.

(c) The reply is in the affirmative.

(d) The reply is in the negative.

Industrial Loan to Displaced Persons in Tripura

1781. Shri Dasaratha Deb : Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that industrial loan amounting to Rs. 5,000 or more will not be granted to displaced persons who remain outside Agartala Town in Tripura; and

(b) if so, the reasons therefor?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b) : If the hon. Member is referring to the Scheme for the grant of small urban loans, under which loans up to a maximum of Rs. 5,000 can be advanced, these are being sanctioned according to the policy laid down. Loans exceeding Rs. 5,000 are granted by the Rehabilitation Finance Administration after examination of the merits of each case.

Agricultural Loan to Displaced Persons in Tripura

1782. Shri Dasaratha Deb : Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that a second set of agricultural loans is to be given to those displaced persons who are considered to be not satisfactorily rehabilitated in Tripura; and

(b) if so, the general criteria to judge such cases?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). Agricultural loans are advanced according to the policy laid down.

As a rule, the Ministry of Rehabilitation is averse to the grant of second set of loans—agricultural or urban—but exceptions are made in deserving cases.

IRRIGATION UNDER FIRST FIVE YEAR PLAN

1783. Shri Nambiar : Will the Minister of **Irrigation and Power** be pleased to state the actual area (in acres) irrigated State-wise and crop-wise during 1954-55 under (i) major, and (ii) minor irrigation projects in the First Five Year Plan?

The Deputy Minister of Irrigation and Power (Shri Hathi) : The information is being collected and will be laid on the Table of the House in due course.

GRANTS TO ANDHRA

1784. Shri Gadilingana Gowd : Will the Minister of **Production** be pleased to state:

(a) whether any aid had been sanctioned to Andhra State for the development of the following village industries during 1954-55;

(i) the gur and khandsari industry,

(ii) the palm gur and other palm products.

(iii) the bee-keeping industry ; and

(b) if so, the extent of the aid sanctioned and whether it had been fully utilised by that State?

The Minister of Production (Shri K. C. Reddy) : (a) and (b) : No schemes were received for the development of Gur and Khandsari and Bee-Keeping industries.

A grant of Rs. 50,050 was sanctioned in 1954-55 for the development of palm gur industry and other palm products, out of which a sum of Rs. 48,266-14-3 was utilized by the State.

LOCAL DEVELOPMENT WORKS

1785. Shri Gadilingana Gowd : Will the Minister of **Planning** be pleased to state:

(a) the amount spent on local development works in Andhra and Mysore States in different years through the agency of the Bharat Sewak Samaj;

(b) the number of schemes received by these Governments from Bharat Sewak Samaj during 1954-55 and 1955-56; and

(c) the number of schemes sanctioned in these years?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) to (c) : Information is being collected and will be laid on the Table of the House.

INDIAN STANDARDS INSTITUTION

1786. Shri Gadilingana Gowd : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that the Indian Standards Institution has prepared tentative standard specifications for the production of books ;

(b) if so, what are those specifications; and

(c) whether the Documentation Committee of the International Organisation for Standardization has decided that the Indian Standards should be used as working documents to provide the basis for formulating draft International Standards for acceptance by all member countries of the Organization?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) and (b) : The Indian Standards Institution have published a few tentative standards prescribing the manner in which the preliminary pages of a book should be written and presented. They have not prescribed any standard for complete books.

A copy of the Press Note issued in this behalf by the Institution is attached. [*See* Appendix XI, annexure No. 51].

(c) The position is as stated by the hon. Member.

CHAMBAL PROJECTS

1787. Shri N. L. Joshi : Will the Minister of **Irrigation and Power** be pleased to state:

(a) the amount spent on the Chambal Project in Madhya Bharat up to 31st March, 1956; and

(b) how long it would take for Government to supply electricity and canal water for the use of the public?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Rs. 349.64 lakhs.

(b) Electricity and canal water are expected to be available to the public by 1959-60 though the canal system, as a whole, is expected to be completed by 1962.

ALL-INDIA HANDLOOM BOARD

1788. Dr. Ram Subhag Singh : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether the All-India Handloom Board has been able to create new employment opportunities; and

(b) if so, the number of persons who have so far been provided with employments?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) and (b): The work done by the Board has been and is primarily directed towards stabilising the Handloom Industry and towards increasing the earnings of the Handloom weaver. The Board has had a measure of success in its endeavours towards this end. No special effort as such was made to increase the number of Handlooms. It is possible that the present position of this Industry has provided employment incidentally to a large numbers of people. No evaluation of such incidental additional employment opportunities has been undertaken.

खंड विकास पदाधिकारियों का प्रशिक्षण

१७८९. श्री के० सी० सोधिया : क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) खंड विकास पदाधिकारियों के प्रशिक्षण के लिये कितने प्रशिक्षण केन्द्र खोले गये हैं;

(ख) ये केन्द्र कहां-कहां स्थित हैं;

(ग) इन केन्द्रों में कितने पदाधिकारियों को प्रशिक्षित किया जा चुका है ;

(घ) इस समय कितने पदाधिकारी प्रशिक्षण पा रहे है;

(ङ) उनमें से कितने पदाधिकारी मध्य प्रदेश के हैं;

(च) प्रशिक्षण की अवधि और पाठ्यक्रम क्या है; और

(छ) प्रशिक्षण काल में उनको कितना भत्ता दिया जाता है ?

योजना उपमंत्री (श्री एस० एन० मिश्र) : (क) तीन ।

(ख) नीलोखेड़ी (पंजाब) हिमायतसागर (हैदराबाद-दक्षिण) और रांची (बिहार)

(ग) ६४६;

(घ) ३२;

(ङ) १०७।

(च) प्रशिक्षण काल आठ सप्ताह का होता है और दो पाठ्यक्रमों के बीच में दो सप्ताह का विराम होता है ।

(छ) प्रत्येक प्रशिक्षार्थी को राज्य सरकार से जो वेतन व भत्ता मिलता है उसके अलावा ७५ रुपये मासिक पूरक भत्ते के रूप में दिया जाता है ।

SCHEDULED CASTES

1790. Dr. Satyawadi : Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the total strength and designation of the staff working under Integrated Publicity Programme Scheme at present; and

(b) the number of members of Scheduled Castes among them?

The Minister of Commerce (Shri Karmarkar) : (a) and (b) : A statement is appended. [*See* Appendix XI, annexure No. 52].

KOSI EMBANKMENTS

1791. { **Shri Raghunath Singh :**
Shri Bibhuti Mishra :

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 459 on the 5th March, 1956 and state :

(a) progress made in construction of the two Kosi embankments through public co-operation;

(b) whether any area of North Bihar is expected to be saved from attack of flood during the coming season as a result of the construction of the said embankments;

(c) if so, the area and population;

(d) the average number of people who have worked daily during the season under the Public Co-operation Programme?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) The total earthwork involved in the reaches in the Bihar territory executed or being executed through public co-operation and the earthwork done till the 15th April, 1956, are given below :—

Embankment	*Total earth work involved.*	*Earthwork done till the 15th April, 1956*
	(in lakh cubic feet)	
(1) Western	762.40	572.90
(2) Eastern	804.83	631.64

(b) The reply is in the affirmative.

(c) Approximately 10 lakh acres of land with a population of about 8.5 lakhs are expected to be saved from floods during the coming flood season.

(d) 19,778.

RUBBER FACTORY

1792. Shri V. P. Nayar : Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of Travancore-Cochin have submitted any proposals for starting a modern rubber factory for the manufacture of tyres in the Travancore-Cochin State under the Second Five Year Plan; and

(b) if so, the decision taken by Government thereon ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) and (b) : The State Government have proposed to expand and modernise the Travancore Rubber Works for the manufacture of cycle tyres and tubes. The matter is under consideration.

HOSTILE NAGAS

1793. Shri Rishang Keishing : Will the **Prime Minister** be pleased to state:

(a) the number of hostile Nagas and police and army personnel killed and wounded since the beginning of the operation in Naga Hills;

(b) the number of villages burnt by the hostile Nagas and the armies and police; and

(c) the number of arms and ammunition captured from and lost to the hostile Nagas?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) Over 100 hostile Nagas are estimated to have been killed and many seriously wounded. Since they remove their dead and wounded quickly, it is not possible to give exact figures.

On Government side 17 have been killed, 39 wounded and 5 are missing.

(b) 14 villages have been burnt by the hostile Nagas; none by the army or police.

(c) 103 arms and 2,679 rounds of various types of ammunition have been captured or recovered by our forces.

86 arms have been lost to the hostile Nagas. The quantity of ammunition lost to them is not known.

HOSTILE NAGAS

1794. Shri Rishang Keishing : Will the **Prime Minister** be pleased to state the number of Police outposts outside the Naga Hills District attacked by the hostile Nagas?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : One police outpost outside the Naga Hills (Dhansiri in Mikir Hills District) was attacked by armed hostile Nagas. Two police men were killed and 3 were seriously wounded as a result of this attack.

COMMUNITY PROJECTS AND N.E.S. BLOCKS IN MANIPUR

1795. Shri Rishang Keishing: Will the Minister of **Planning** be pleased to state:

(a) the number of local men trained so far for Community Project and National Extension Services Blocks in Manipur;

(b) how far the required number of the officers and the village level workers have been acquired;

(c) whether there are any trained officers or village level workers who have not been employed; and

(d) if so, the reason why they are not taken into employment after they are trained?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) 62.

(b) 56.

(c) None.

(d) Does not arise.

DEVELOPMENT PROJECTS

1796. Shri Shree Narayan Das : Will the Minister of **Planning** be pleased to state:

(a) the extent to which it has been possible so far to secure effective association of the local bodies of administration, Panchayats, local boards etc. with various local projects of planned development in the various States; and

(b) the extent to which it has been possible to utilise the collector and Sub-Divisional Officer in each district as the Chief Development Officer in their respective area?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b) : Latest information is being collected and the reply will be laid on the Table of the House.

PAPER MILL AT ITARSI

1797. Shri Kamath :Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the private sector has been permitted a paper mill near Itarsi, Madhya Pradesh; and

(b) if so, the details thereof?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) No, Sir.

(b) Does not arise.

DAILY DIGEST

[*Friday, 4th May, 1956*]

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1766	Export of Birds	3349
1767	Coffee Cultivation	3349–50
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1769	Aluminium Industry	3350
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(Part II—Proceedings other than Questions and Answers)

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GIPN—SI—415 Lok Sabha—27-3-57—840

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LOK SABHA

Friday, 4th May, 1956.

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

11-30 A.M.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce the order of Government business for this House after the passing of the Hindu Succession Bill on or about 8th May.

LEGISLATIVE

For reference to a Joint Committee:

Constitution (Tenth Amendment) Bill.

For consideration and passing:

Agricultural Produce (Development and Warehousing, Corporation Bill.

Life Insurance Corporation Bill, as reported.

Representation of the People (Second Amendment) Bill, as reported.

Part 'C' States (Laws) Amendment Bill.

Time permitting, it is proposed to bring forward also the Securities Contracts (Regulation) Bill, as reported, and the Reserve Bank of India (Amendment) Bill for consideration and passing.

The Budget for 1956-57 of Travancore-Cochin State and the connected Appropriation Bill will be provided for consideration on 14th May.

OTHER BUSINESS

One hour discussion on notifications issued in respect of the nomenclature of decimal coinage will be provided on 9th May.

Discussion on the working of the Preventive Detention Act will be provided on or about 22nd May.

Discussion on the Second Five-Year Plan, which is expected to be presented to this House on 15th May, is scheduled to commence on 23rd May and conclude on 28th May.

There are two or three holidays intervening.

I shall make a further announcement as soon as reports on Bills pending with or referred thereafter to Joint Committee are presented to the House.

Shri Kamath (Hoshangabad): While the statement of the hon. Minister is good as far it goes, may I make a suggestion? In consonance with the practice obtaining in the British House of Commons, the Government Chief Whip, that is, the Minister of Parliamentary Affairs in the Lok Sabha here should make at a stated hour on a specified day every week, a statement, giving to the House the programme of the Government business for the following week. And if it is not done in the way I have suggested now, the opposition, in future, at a particular hour, on a particular day, may ask from the Government a statement with regard to the business for the following week. This is a suggestion, and you may consider it at your leisure.

Mr. Speaker: Yes; the hon. Leader of the House may also consider it.

Shrimati Renu Chakravartty (Basirhat): May I ask one question? I want to know from the hon. Minister of Parliamentary Affairs whether the Representation of the People Bill will also be taken up for consideration during his session?

Shri Satya Narayan Sinha: It has already been announced. I have referred to it. It comes third on the list.

Shri Punnoose (Alleppey): I was not present in the House for a few days past. I want to have an information. I remember to have heard that the Travancore-Cochin State's budget is coming up on the 14th May for discussion here. Have you fixed a time-limit for that discussion?

Shri Satya Narayan Sinha: The Business Advisory Committee has allotted six hours and the House also has accepted it.

Shri Punnoose: Has the House accepted it?

Shri Satya Narayan Sinha: Yes.

HINDU SUCCESSION BILL—*Contd.*

Clauses 7 to 10

Mr. Speaker: The House will now take up the group of clauses 7 to 10 for which 2 hours have been allotted. This would mean that these clauses will be disposed of by about 1-30 P.M. Thereafter, the next groups consisting of clauses 13 to 15 and 16 and 17 will be taken up for which half an hour and 2 hours have been allotted respectively.

Hon. Members who wish to move their amendments may kindly hand over the numbers of their amendments to the Secretary at the Table within 15 minutes.

Sardar Hukam Singh (Kapurthala-Bhatinda): For clauses 7 to 10, we have got two hours. There was an objection raised that the Schedule should have more time, and it was pointed out that clause 8 has a direct connection and relation to the Schedule. Therefore, some hon. Members wanted that clauses 7 to 10 together with the Schedule may be taken up jointly and be discussed for four hours, and said that if this was done they would be satisfied. So, it was agreed that clauses 7 to 10 and the Schedule, all together, shall have four hours.

Mr. Speaker: Was it the desire of the House?

Some Hon. Members: Yes.

Mr. Speaker: Then, clauses 7 to 10 along with the Schedule may be discussed and debated together.

The Minister of Legal Affairs (Shri Pataskar): Clauses 7 to 10 may take about one hour. The Schedule is not so important. We may take the Schedule at the end.

Mr. Speaker: The hon. Minister says that clauses 7 to 10 may take about an hour or so. So whatever remains out of the two hours may be utilised for the Schedule. If these clauses and the Schedule are connected together, then also, they could all be discussed and disposed of together. Is there any objection?

Shri Pataskar: My point is that there are other clauses in the Bill which also refer to the Schedule. The Schedule only mentions "Class I and Class II". Of course, the Schedule may take sometime and the necessary time for it may be allowed, but the other clauses may not he held over till we come to the Schedule.

Mr. Speaker: Is the Schedule dependent upon any clauses other than clauses 7 to 10?

Shri Pataskar: Some other clauses also are connected with it.

Shri N. C. Chatterjee (Hooghly): If you look at clause 8, you will find that it is inextricably linked up with the Schedule. Clause 8 says:

> "The property of a male Hindu dying intestate shall devolve according to the provisions of this Chapter:—
>
> (a) firstly, upon the heirs, being the relatives specified in class I of the Schedule;
>
> (b) secondly, if there is no heir of class I, then upon the heirs, being the relatives specified in class II of the Schedule;" and so on.

Therefore, they are all to be discussed together.

Mr. Speaker: I am only asking the hon. Minister whether the Schedule depends upon any other clauses also, other than clauses 7 to 10. If it depends only upon clauses 7 to 10, including clause 8 which Shri N. C. Chatterjee

just read out, and if it does not depend upon any other clauses—clauses 13 to 15 and 16 and 17, we can take up the Schedule along with clauses 7 to 10.

Shrimati Renu Chakravartty (Basirhat): The Schedule has relation to many other clauses as well. For instance, we have already dealt with clause 6. There also, the Schedule came in.

Mr. Speaker: I want to know whether clauses 13 to 15 and 16 and 17 depend upon the Schedule. About clauses 7 to 10, it is agreed that the Schedule comes in there.

Shri S. S. More (Sholapur): Is it not the practice that we do not take up the Schedules, irrespective of the fact that there is an organic connection between the clauses and the Schedules or not, till all the clauses have been disposed of? That has been a matter of so many rulings.

Shri Altekar (North Satara): The Schedule is connected with clause 11 also.

Shri S. S. More: We cannot anticipate whether any amendments to the subsequent clauses will affect the Schedule or not. So, if we dispose of the Schedule at this stage, complications will arise.

Shri Pataskar: My friend Shri N. C. Chatterjee pointed out clause 8 as having relation to the Schedule. I do know that there is a reference to the Schedule in clause 8. At the same time, I am agreeable to your view that the Schedule may be taken into consideration earlier, and whatever changes ought to be made there, may be made. But that need not prevent us from disposing of clauses 7 to 10. In clause 8(a), it is said:

> "firstly, upon the heirs, being the relatives specified in class I of the Schedule";

So, all these matters will be considered. But we need not hold over those clauses till the consideration of the Schedule.

Shrimati Renu Chakravartty: Clauses 11, 12 and 13, are all concerned with the Schedule.

Mr. Speaker: Clauses 11, 12 and 13 also refer to the Schedule, and clause 11 primarily refers to class II of the Schedule. So, if it is the general impression that clauses 7 to 10 need not take two hours, we can reduce it to one hour and add the remaining one hour to the Schedule. So, clauses 7 to 10 will take up one hour. Let the hon. Minister refer to all the clauses in this group and the amendments thereon. I will put these clauses separately and the amendments separately to the vote of the House, because we have fixed one hour for all of them together.

Clause 7.—(*Devolution of interest in the property of a* tarwad *etc.*)

Shri Pataskar: I think clause 7, as a matter of fact, is almost the same as clause 6, with the difference that it applies only to *Marumakkattayam* and *Aliyasantana* and *Nambudri* laws. So, I think clause 7 may be put separately. It would not take much time also.

Shrimati Renu Chakravartty: Even during the discussions of the Joint Committee, this portion about the *marumakkattayam, aliyasantana* or *nambudri* law was held over till we were quite sure as to what would be the final form of the Schedule, because if the Schedule is again changed, the present law will go against the present *marumakkattayam* system as far as the daughters are concerned. If we change it now and then again change the Schedule, it is not clear how we can get over this difficulty.

Mr. Speaker: If this clause is passed, the Schedule will be changed accordingly.

Shri Damodara Menon (Kozhikode): I would like to know whether the Minister is moving his amendment to clause 7.

Shri Pataskar: It is not an amendment; I am only putting it in a slightly different way. I will explain the change I have made very briefly.

I have found by experience and also from representations received, that in respect of *aliyasantana* law, the principle is the same, but the wording should be slightly different. Clause 7 refers to *marumakkattayam, aliyasantana* and *nambudri* law. When it refers to *tarwad, tavazhi, kutumba, kavaru* and

[Shri Pataskar]

illom, tarwad, tavazhi and *illom* are in respect of the *marumakkattayam* and *nambudri* law and *kutumba* and *kavaru* are in respect of *aliyasantana* law. Apart from the principle involved, there is this difference that in respect of *aliyasantana* law, even after the division, still the *kutumba* or *kavaru* has got some rights over the divided property. Therefore, I found it necessary to separate *marumakkattayam* and *nambudri* law from *aliyasantana* law. What I have done is this. I have given the formula with respect to the *marumakkattayam* and *nambudri* law and again I have repeated the same formula with a slight difference with respect to the *aliyasantana* law. I have put them separately in order to indicate clearly the slight points of difference between the two, so that there may be no confusion. Otherwise, the principle involved and all the other things are the same. I felt that it would not be proper to lump *kutumba* and *kavaru* along with the others. I myself have examined and I have felt that it is much better to separate them. There will be no change with respect to the *marumakkattayam* and *nambudri* law. But with respect to the *aliyasantana* law, there will be this change. After the word *kavaru*, I have introduced the words *santhathi kavaru or nissanthathi kavaru*, because the rights are different. It is only a verbal change.

If necessary, I will read out the amendment.

Mr. Speaker: It is a long one.

Shri N. C. Chatterjee: I am speaking subject to correction by the hon. Minister, I find that the same system known as *marumakkattayam* which prevails in South Kanara is known as *aliyasantana*. That is what Justice Chandrasekhara Iyer has said in his latest edition of *Mayne's Hindu Law*. I want to know whether there is any difference.

Shri Pataskar: I was also under that impression; but, when I began to receive representations from the *aliyasantana* people, I came to know that there was some difference between their law and the *marumakkattayam* law. In respect of Mitakshara law also, there have been so many Acts passed by different States. There are Acts passed by the Madras State, by the former Travancore State, by the Cochin State and so on. So, after examining all of them, I have found that there is slight difference between *aliyasantana* and *marumakkattayam* law. In the *aliyasantana* law, even if there is a division of property, if a man gets divided in the interests of a *kutumba* or *kavaru*, still the *kutumba* or *kavaru* retains certain other powers even in the divided property. Therefore, instead of the word "interest" I have put the words "undivided interest". That is the change which I have thought of. There is one other thing also. In *kavarus*, there are *santhathi kavarus* and *nissanthathi kavarus*. With respect to *nissanthathi kavarus*, some of the males are in the same position as the widows or limited females on our side. Therefore, in order to avoid any confusion that may arise, I have separated *aliyasantana* law from *marumakkattayam* and *nambudri* law. With respect to *marumakkattayam* and *nambudri* law, there is no change. I have already described the changes that I have made with respect to *aliyasantana* law. I may tell the House that I was also under the same impression as my hon. friend, Shri Chatterjee; but, when I received representations from the various people, I myself went to all those places and I came to know of the slight difference. I also received representations from the different Bar Associations. After taking into consideration all those facts, I have made the changes I have described. I do not think there will be any objection to them.

Mr. Speaker: If the hon. Minister kindly looks into his draft, he will find that the heading "Devolution of Interest in the property of a *tarwad, tavazhi, kutumba, kavaru* or *illom*" appears after "7(1)". This heading should appear in the margin, because it applies to both the sub-clauses (1) and (2).

Shri Pataskar: Yes, Sir. I agree to it. I beg to move:

Page 5—

for lines 1 to 18, *substitute*:

Devolution of interest in the property of a *tarwad, tavazhi, kutumba, kavaru* or *illom*.

"7(1) When a Hindu to whom the *marumakkattayam* or *nambudri* law would have applied if this Act had not been passed dies after the commencement of this Act, having at the time of his or her death an interest in the property of a *tarwad, tavazhi* or *illom*, as

the case may be, his or her interest in the property shall devolve by testamentary or intestate succession, as the case may be, under this Act and not according to the *marumakkattayam* or *nambudri* law.

Explanation.—For the purposes of this sub-section, the interest of a Hindu in the property of a *tarwad, tavazhi* or *illom* shall be deemed to be the share in the property of the *tarwad, tavazhi* or *illom*, as the case may be that would have fallen to him or her if a partition of that property *per capita* had been made immediately before his or her death among all the members of the *tarwad, tavazhi* or *illom*, as the case may be, then living, whether he or she was entitled to claim such partition or not under the *marumakkattayam* or *nambudri* law, applicable to him or her. and such share shall be deemed to have been allotted to him or her absolutely.

(2) When a Hindu to whom the *aliyasantana* law would have applied if this Act had not been passed dies after the commencement of this Act, having at the time of his or her death an undivided interest in the property of a *kutumba* or *kavaru* (whether a *santhathi kavaru* or a *nissanthati kavaru*), as the case may be, his or her interest in the property shall devolve by testamentary or intestate succession, as the case may be under this Act and not according to the *aliyasantana* law.

Explanation.—For the purpose of this sub-section, the interest of a Hindu in the property of a *kutumba* or *kavaru* shall be deemed to be the share in the property of the *kutumba* or *kavaru*, as the case may be, that would have fallen to him or her if a partition of that property *per capita* had been made immediately before his or her death among all the members of the *kutumba* or *kavaru*, as the case may be, then living, whether he or she was entitled to claim such partition or not under the *aliyansantana* law, and such share shall be deemed to have been allotted to him or her absolutely."

Instead of the words "at the time of his death..." as found in the existing sub-clause 7(1), I have substituted "at the time of his or her death...". I have added the words "or her", because women are also in the same position. I have already explained how I have separated the *aliyasantana* law. Here also it is the same as before, but instead of "interest" I have said, "undivided interest"; I have explained the reason for this change already. I have put in both *santhathi kavaru* and *nessanthathi kavaru* because their rights are different. I have discussed this with the law authorities in those places before I put it.

Explanation.—For the purpose of this sub-section, the interest of a Hindu in the property of a *kutumba* or *kavaru* shall be deemed to be..

It is the same Explanation. There is no change. I need not read it. I have kept the same wording. I have separated *aliyasantana* on the one hand and *marumakkattayam* and *nambudri* law of the other. I think there should be no objection to this.

Shri Damodara Menon: I think this clause may be accepted with the amendment suggested by the hon. Minister. Regarding the point raised by Shrimati Renu Chakravartty, it is true that it may be necessary for us to amend clause 19 of this Bill if there is any amendment to the Schedule. I hope the hon. Minister will consider that at that time. As I stated some time before when actually an amendment was made in the Rajya Sabha to the Schedule, it became necessary for us to have a corresponding amendment, that is, to clause 10 here which would apply to the line of succession to intestate property according to the *Marumakkattayam* law. Therefore, on the assurance of the Minister that if there is going to be any kind of amendment to the Schedule, suitable amendments will be made with regard to the line of succession under the *Marumakkattayam* law, we can pass it. There is no objection.

Shrimati Renu Chakravartty: Could we have a reply from the hon. Minister? Otherwise, what happens is.....

Shri Pataskar: I was under the impression that what Shri Damodara Menon has said was convincing. The fact is that there would be no change so far as clause 7 is concerned. If there is some change in the Schedule, as the hon. Lady Member knows, we have clause 19 containing special provisions respecting persons governed by *Marumakkattayam* and *aliyansantana* laws. Under those terms, the mother has got a peculiar position. Because we found that in the Schedule as passed by the

[Shri Pataskar]

Joint Committee, the mother could not get the place which according to their sentiment she must have. Therefore, we made that change. I still believe that if subsequently in the schedule the mother is restored, we may have to make a special change in clause 19. I do not anticipate anything at this stage. So far as clause 7 is concerned, there is no difficulty whatever the fate of the Schedule.

Mr. Speaker: Merely because these clauses are passed, it is not necessary to amend the Schedule. The Schedule can be modified by a suitable amendment if necessary.

Shri Pataskar: Clause 19 is made specially for these people. If there is a change in the Schedule, we will have to make some change in clause 19. So far as this clause is concerned, there is no difficulty.

Mr. Speaker: When we come to clause 19, we will hold it over until after the Schedule is over.

I shall now put the amendment to the House with this change that after clause "7" and before "(1)" the title will come, namely *Devolution of interest in the property of a tarwad, tavazhi, kutumba, kavaru or illom.*

The question is :

Page 5, *for* lines 1 to 18 *substitute* :—

Devolution of interest in the property of a *tarwad, tavazhi kutumba, kavaru* or *illom.*

"7. (1) When a Hindu to whom the *marumakkattayam* or *nambudri* law would have applied if this Act had not been passed dies after the commencement of this Act, having at the time of his or her death an interest in the property of a *tarwad, tavazhi* or *illom*, as the case may be, his or her interest in the property shall devolve by the testamentary or intestate succession, as the case may be, under this Act and not according to the *marumakkattayam* or *nambudri* law.

Explanation.—For the purposes of this sub-section, the interest of a Hindu in the property of a *tarwad, tavazhi* or *illom* shall be deemed to be the share in the property of the *tarwar, tavazhi* or *illom*, as the case may be, that would have fallen to him or her if a partition of that property *per capita* had been made immediately before his or her death among all the members of the *tarwad, tavazhi* or *illom*, as the case may be then living, whether he or she was entitled to claim such partition or not under the *marumakkattayam* or *nambudri* law, applicable to him or her and such share shall be deemed to have been allotted to him or her absolutely.

(2) When a Hindu to whom the *aliyasantana* law would have applied if this Act had not been passed dies after the commencement of this Act, having at the time of his or her death an undivided interest in the property of a *kutumba* or *kavaru* (whether a *santhathi kavaru* or a *nissanthathi kavaru*), as the case may be his or her interest in the property shall devolve by testamentary or intestate succession, as the case may be, under this Act and not according to the *aliyasantana* law.

Explanation.—for the purposes of this sub-section, the interest of a Hindu in the property of a *kutumba* or *kavaru* shall be deemed to be the share in the property of *kutumba* or *kavaru*, as the case may be, that would have fallen to him or her if a partition of that property *per capita* had been made immediately before his or her death among all the members of the *kutumba* or *kavaru*, as the case may be, then living, whether he or she was entitled to claim such partition or not under the *aliyasantana* law, and such share shall be deemed to have been allotted to him or her absolutely."

The motion was adopted.

Mr. Speaker: The question is :

"That clause 7, as amended, stand of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8.—(*General rules of succession in the case of males*)

Mr. Speaker: If the Government has got any amendments to any of these clauses, they may be taken up first.

Shri Pataskar: No amendment.

Shri H. G. Vaishnav (Ambad): I beg to move :

(i) Page 5—

after line 38, *add* :

"Provided that a widow or widows mentioned in the Schedule upon whom the property is devolved according to clauses (a) and

(b) above, shall cease to have and right in it if she remarries."

(ii) Page 5—

omit lines 39 to 42.

Shri Dabhi (Kaira North): I beg to move :

Page 5—

after line 36, *insert* :

"Provided that a widow who had deserted her husband shall be disqualified from inheriting his property."

Mr. Speaker: Amendments moved :

(i) Page 5—

after line 38, *add*:

"Provided that a widow or widows mentioned in the Schedule upon whom the property is devolved according to clauses (a) and (b) above, shall cease to have any right in it if she remarries."

(ii) Page 5—

omit lines 39 to 42.

(iii) Page 5—

after line 36, *insert* :

"Provided that a widow who had deserted her husband shall be disqualified from inheriting his property."

Pandit Thakur Das Bhargava (Gurgaon) : May I make a submission? Yesterday the question was, how much time may be allotted for the Schedule. We agreed that to the Schedule as well as clauses 7 to 10, four hours will be devoted. Now, if you will take up clauses 8 to 10 with the Schedule, it will be much more convenient because clause 8 has reference to the Schedule. Without the Schedule, the discussion of clause 8 would be meaningless.

Mr. Speaker: I may say for the benefit of the hon. Member, it was suggested that clauses 7 to 10 may be taken up along with the Schedule and four hours allotted. It was also expressed on the floor of the House that the other clauses 11, 12, etc. also have reference to the Schedule, and therefore, the Schedule may be taken up separately, and that instead of two hours allotted originally for clauses 7 to 10, one hour may be devoted for this group and the remaining one hour added on to the Schedule: three hours for the Schedule alone. We have passed clause 7. We are on clause 8. If Pandit Thakur Das Bhargava has any amendment, he may move.

Shri H. G. Vaishnav: My first amendment to clause 8 is No. 67. It is, I think, a very important amendment. Clause 8 relates to general rules of succession in the case of males. In that clause, there are provisions (a) to (d). My amendment No. 67 is regarding the insertion of a new proviso after line 38, that is, after sub-clauses (a) and (b). Under sub-clause (a) it is said that after the death of a male holder, the property shall devolve firstly upon the heirs being the relatives specified in class I of the Schedule. When a male dies, the class I heirs succeed. Secondly, if there is no class I heir, then sub-clause (b) says it will devolve on heirs being the relatives specified in class II of the Schedule. This is the order of succession under clause 8 in regard to succession of males.

Mr. Speaker: The substance may be put to the House.

Shri H. G. Vaishnav: My submission to this. In this Schedule, in the heirs mentioned in classes I and II, there are three widows in class I, widow of the person dead, widow of a predeceased son and widow of a predeceased son of a predeceased son, and two in class II. My amendment is that when these widows succeed, they will succeed not according to the present law, that is, having a limited interest in the property but as provided in clause 16 of this Bill, that is, the widow or any female heir succeeds to the property will have an absolute right in the property. So, under clause 8, whichever widow succeeds, she will be an absolute owner of the property. But what happens if any of the widows who succeed re-marries?

12 NOON

Pandit C. N. Malviya (Raisen): There is clause 26.

Shri H. G. Vaishnav: My hon. friend suggests that there is clause 26, but that clause only suggests that if at

[Shri H .G. Vaishnav]

the time of the inheritance she has re-married, she will not succeed. Clause 26 reads like this :

> "Any heir who is related to an intestate as the widow of a predeceased son, the widow of a predeceased son of a predeceased son or the widow of a brother shall not be entitled to succeed to the property of the intestate as such widow, if on the date the succession opens, she has remarried."

Mr. Speaker : There is no doubt in the Bill about that. The object of the Bill is that if a widow succeeds, she ought not to be divested merely because she marries again. If on the date of the succession opening she has already married, she will not succeed. The hon. Member now wants to say that the widow who has succeeded should be divested of the property if she subsequently marries. But there is no doubt about it in the Bill. The only question is whether the House is willing to do it or not. Therefore, it need not be laboured. The simple point is this.

Shri H. G. Vaishnav : Clause 26 says that she is not entitled to succeed if she is married on the date of succession, but after getting the estate if she re-marries, what is to happen? The property will be hers by absolute right. She will take it and go out of the family, and it will create a rather anomalous position so far as joint property is concerned and also other classes of property. It is against the principles of Hindu law and against our notions of morality of the society that a widow may re-marry and take away the property. There may be a second marriage, a third marriage, any number of marriages, and the property will accumulate with the widow.

Pandit K. C. Sharma (Meerut Distt. South) : What about the son?

Mr. Speaker : Any person she marries must be another person.

Shri H. G. Vaishnav : Of course, she may go on marrying, but what will happen to the property? If the daughter-in-law, who is a widow, re-marries, of course, the property of the family will go with her to another family.

Mr. Speaker : What happens to the jewels given to her?

Shri H. G. Vaishnav : Sometimes they remain with her, sometimes with the family members. That is according to the circumstances that may be existing in the family.

This is a clear instance of giving licence to young widows. If, unfortunately, they are widowed in their younger age, or at the instance of some wicked persons, they may go on doing this and of course taking the property without any protection to the family property and even without any protection to the morals of society. I think there should be some provision in this law in respect of such widows remarrying and taking away the property with absolute right. In the interests of justice and morality of society, the property should not go with them, but should be reverted to the family. That is why I have given my amendment No. 67 which reads :

> Page 5—
>
> *after* line 38, *add*—
>
> "Provided that a widow or widows mentioned in the Schedule upon whom the property is devolved according to clauses (a) and (b) above, shall cease to have any right in it if she remarries."

That is a simple provision which is good in every respect. If there had been any other provision like this I would not have given this amendment, but I see no provision anywhere. I therefore request that the hon. Minister may accept this amendment or make any other provision in this regard.

Mr. Speaker : Shri Dabhi.

Pandit Thakur Das Bhargava : I have also given notice of amendment No. 180. It is in regard to this clause, but the subject-matter is the same. It is for insertion of a new clause 17A.

Mr. Speaker : We will come to it later.

Pandit Thakur Das Bhargava: If this is disposed of here, then there is no chance of its being taken up later.

Shri Patasker : Let us see what happens to this.

Pandit Thakur Das Bhargava : This matter may be discussed when my amendment comes, or I may be allowed to move my amendment.

Mr. Speaker: I will treat it as moved to clause 8. The amendment reads thus:

Page 8—

after line 10, *insert*:

"17A. The properties inherited by unmarried females shall revert back on the date of their marriage to the heirs of the person from whom they were inherited as if that person, died on the date of marriage and the properties inherited by widows shall revert back on the heirs of the person from whom they were inherited as if that person died on the date of re-marriage."

Shri C. C. Shah (Gohilwad-Sorath): That is a much wider amendment than the present one. It will also embrace unmarried daughters.

Pandit Thakur Das Bhargava: It embraces both. The principle is the same.

Shri N. C. Chatterjee: He should not say "embraces unmarried daughters"!

Shri Dabhi: My amendment is No. 1 which reads:

Page 5—

after line 36, *insert*:

"Provided that a widow who had deserted her husband shall be disqualified from inheriting his property."

Shri N. C. Chatterjee: How can a widow desert her husband?

Mr. Speaker: The intention is clear. A woman who has deserted her husband shall not inherit his property.

Shri Dabhi: If we read the clause along with the Schedule, Class I, we find that if a male Hindu dies intestate, the widow along with the sons would be simultaneous heirs. In certain cases the woman might have deserted her husband, and might have been living apart from her husband. In such circumstances she should not be allowed to inherit the property of her husband.

Shri C. C. Shah: For whose fault?

Mr. Speaker: Is there any definition of "desertion" here? How long?

Shri Dabhi: Under clause 17 also where the husband is a heir to the wife along with his sons and daughters, he might have deserted his wife and I want that man also should not be allowed to inherit the property of his wife. I want to put both of them in the same category.

Shri Pataskar: In many cases it will be difficult to know who has deserted whom.

Shri Dabhi: Under clause 25 you will see provision has been made for a woman who has been deserted by her husband. I do not think anybody would think that after the passing of this Bill there will not be cases in which the husband might desert the wife. I do not understand why a man who has deserted his wife should be allowed to inherit the property of his wife. In the same way, a woman who has deserted her husband should not be allowed to inherit his property. I want to place both on an equal footing. There are several cases where women have been deserted by their husbands. Otherwise, we would not have been inclined to make the provision in clause 25 itself.

I do not see what difficulty there can be in accepting my amendments. Just as a man who has deserted his wife should not be allowed to inherit the property of his wife, likewise, a wife who has deserted her husband should not be allowed to inherit the property of the husband.

If both these amendments are accepted, then they would give more benefit to women than to men, because there are many cases of women being deserted by their husbands. So, I do not think there will be any difficulty in accepting my amendment to this clause. I do not say that only my amendment to clause 8 should be accepted. My amendments to clause 8 as well as clause 17 may both be accepted, so that men as well as women would be put on an equal footing.

I should like to know from the Minister whether he is accepting these amendments, and if not, the reasons why he is not prepared to accept them.

Shri Seshagiri Rao (Nandyal): On a point of information. In the discussion on clause 8, some of the amendments to clause 17 also are being discussed. Are we to discuss them now or when we come to clause 17?

Shri Dabhi: I merely referred to my amendment to clause 17 to show that I wanted men and women to be placed on an equal footing.

Mr. Speaker: The hon. Member merely made a reference to it.

Shri S. S. More: My amendment No. 215 is similar to the amendment No. 68 moved by Shri H.G. Vaishnav. By this amendment I desire the omission of sub-clauses (c) and (d) from clause 8. This clause lays down the order of succession, and provides which person shall be entitled to succeed. Besides the heirs mentioned in class I and class II of the Schedule, there are agnates and cognates who are also qualified to succeed to the deceased in the absence of the persons mentioned in the Schedule. I object to extending the line of succession so far as that, because our State is developing into a welfare State.

Mr. Speaker: Cognates and agnates are generally mentioned here. Is there any restriction on the number of degrees?

Shri S. S. More: Yes. That is laid down in clause 15. Clauses 12, 13, 14 and 15 refer to the agnates and cognates.

Mr. Speaker: True. Does the hon. Member's amendment seek mere omission of this or taking it to the *sapindas* and *samonodakas*?

Shri S. S. More: I propose absolute omission of it. I along with Pandit Thakur Das Bhargava, want to allow succession only to the heirs mentioned in the Schedule.

Mr. Speaker: Or escheat.

Shri S. S. More: In class I of the Schedule, 11 heirs are mentioned, and in class II, 21 heirs. So, the total number of heirs comes to 32. That is a sufficiently exhaustive list to see that no property of the deceased remains hanging in the air without a proper successor.

My submission is that by clause 31 we are allowing the State to step into the shoes of the deceased, if all the heirs mentioned in the Schedule are exhausted, for clause 31 reads:

> 'If an intestate has left no heir qualified to succeed to his or her property in accordance with the provisions of this Act, such property shall go to the Government; and the Government shall take the property subject to all the obligations and liabilities to which an heir would have been subject.'

My submission is that when the State assumes the role of a welfare State, it will have to look after so many other matters which ordinarily in a non-welfare State are looked after by the heirs of the deceased, so to speak, and the property is supposed to go to them because the property is supposed to be an undilutedly of an individual, to which his successor, howsoever distant, is entitled to succeed. Now, the welfare State is assuming so many responsibilities, and is playing the part, in many cases, of a loving father a loving mother, or any other good relation, who is trying to support any other poor relation. If that is the role which our State is going to assume and play effectively, then I submit that such properties, where there is no heir coming under any of the thirty-two categories mentioned in the Schedule, ought to revert to the State.

My further argument is that persons are enabled to acquire property and hold that property, only because the State has made so many arrangements by way of granting security, or creating avenues for employment, and earning property. All these benefits conferred by the State must be requited, so to say, by the person, if fortunately or unfortunately, he has not left a particular heir coming under the different categories enumerated in the Schedule. In view of the changed role of the State and the great qualitative change that is likely to come on the modern State, it is necessary that we should allow the State to step in at an earlier stage than is visualised in this Bill.

I would say further that Government will find it convenient to accept this amendment of mine, in view of their declaration of socialistic pattern, for this amendment will enable them to bring about a rise in the standard of living of everyone. Further, if this amendment is accepted, we shall be in a position to give effect to some of the Directive Principles.

I may advance one other suggestion. Suppose Government create a fund in which all such properties shall be pooled together, and that fund is used for the purpose of giving help to dependent widows, or unprovided for widows, or for the education of orphans and such

other beneficial matters, then this will be a valuable source of income which will enrich that particular fund, and it will enable the State to discharge its responsibility in this regard very effectively. Otherwise, our Directive Principles will merely have to remain in the Statute-book as a promise, without being implemented for a very long time. So, I would commend this particular amendment of mine for the acceptance of the House.

I may be permitted to say a word about the proposal of my hon. friend Shri H. G. Vaishnav. He is assuming and indulging in some extreme assumption that a lady will be a widow first, then she will get property, and then his suggestion was—though he did not say so directly—that the widow will always be going after a new husband like a bee going after a honeyed flower. That is a wrong assumption. Marriage is not a matter of acquiring property, and going after a successive chain of husbands in search of property. I think that will be an unfair assumption towards our womanhood. They will not be property-seekers in this particular way that my hon. friend suggests.

Mr. Speaker: Why should she not marry?

Shri S. S. More: She may marry.

Mr. Speaker: She can marry under another law, which has been there on the statute-book for nearly a hundred years.

Shri S. S. More: It is my objective, and I do support the idea that the Widow Remarriage Act should be properly implemented, if the widow is of a proper age.

Mr. Speaker: The only point is.....

Shri S. S. More: ..... whether she will be going after remarriage for the sake of property.

There is another difficulty. Suppose a widow gets the property of her husband, and then she intends to remarry. And suppose the provision recommended by my hon. friend is accepted. Under the shortest cut and the expert legal advice offered by my hon. friend and myself, she can dispose of that property, pocket the money, and then deposit it somewhere in such a manner that it cannot be easily traced, and then go after a new husband. So, I would submit that such a provision is very difficult to implement.

In view of all these difficulties, I would strongly oppose the suggestion made by my hon. friend, and at the same time, I commend my amendment No. 215 for the acceptance of the House.

Shrimati Jayashri (Bombay-Suburban): I entirely agree with my hon. friend Shri S. S. More, and I oppose the amendment of my hon. friend Shri H. G. Vaishnav. If it is to be provided that a widow who remarries shall not inherit the property of her husband, then what would happen in the case of a man who wants to marry again after he has become a widower?

Mr. Speaker: Has the hon. Member got any amendments?

Shrimati Jayashri: I have got two amendments in my name, namely amendments Nos. 7 and 8.

I beg to move:

(i) Page 5, line 40—

for "of the deceased" *substitute* "related to the deceased within five degrees".

(ii) Page 5, *for* lines 41 and 42, *substitute*:

"(d) lastly, if there is no agnate related to the deceased within five degrees then upon the cognates of the deceased within five degrees."

Just as my hon. friend Shri S. S. More has said, I would also say that we should restrict the number of agnates and cognates.

In the original Hindu Code Bill, the number was restricted to five degrees. I have moved amendment No. 7 with a view to effect this restriction.

Secondly, in view of sub-clauses (c) and (d), I do not see any necessity for keeping clause 12 and 13. I have today tabled two amendments to delete these two clauses.

Mr. Speaker: We will come to that later.

Shrimati Jayashri: I am suggesting that clauses 12 and 13 deal with the same matter; sub-clauses (c) and (d)

[Shrimati Jayashri]

cover these two clauses. So those two clauses may be omitted.

Mr. Speaker: Amendments moved:

(i) Page 5, line 40—

for "of the deceased" *substitute*: "related to the deceased within five degrees".

(ii) Page 5—

for lines 41 and 42, *substitute*:

"(d) lastly, if there is no agnate related to the deceased within five degrees, then upon the cognates of the deceased within five degrees."

Shri C. R. Chowdary (Narasaraopet): My amendment No. 37 is the same as the amendment No. 68 moved by Shri H. G. Vaishnav. About this matter, I have already expressed my views when I was speaking on clause 2 for omission of the definition of 'agnates' and 'cognates'. I hold the same views even today. But I see that my amendment is a bit drastic. As such, I feel that a *via media* may be adopted. I hope that the amendments moved by Shrimati Jayashri, Nos. 7 and 8, will be acceptable to the hon. Minister. These amendments seek to limit the right of inheritance to five degrees. If that is not the case, if all the agnates and cognates were to be excluded, probably, as you yourself expressed, the father's father's brother may be excluded or people of that type may be excluded. These amendments are a bit liberal and the hon. Minister may, in all fairness, accept them.

Then I come to the amendment moved by my hon. friend, Shri H. G. Vaishnav, No. 67. As regards divesting a woman of property when she remarries, Shri S. S. More has given his views. It is quite easy for her to dispose of the property and then remarry. If that is the case, it will not in any way improve the position of either the family or the person from whom she inherited the property. As such, it will be an inducement to everybody to dispose of the property first and then think of remarriage. That will be indirectly helping the parties to spend some money and enrich the exchequer. If that is the spirit with which that amendment is moved, I think there is every justification for it. But if my hon. friend's idea is to see that remarriage is discouraged, I oppose that spirit. If my hon. friend's amendment is accepted, possibly it will go to discourage remarriages. I think that is not the spirit with which we are passing this Bill and that is not in keeping with the spirit of the legislation that we have already passed. From that point of view, I oppose amendment No. 67.

Pandit Thakur Das Bhargava: I have moved amendments Nos. 180 and 215, the latter standing in the names of Shri S. S. More and myself.

Mr. Speaker: As regards amendment No. 180, I will treat it as an addition, an amendment to clause 8, so that it may be disposed of once for all.

Pandit Thakur Das Bhargava: I am speaking on both.

As regards amendment No. 215, since we are making a new law and we are departing from the previous notions of *pinda* and propinquity, we must look at it from the point of view which we adopt in this Bill. It is said that natural love and affection are the new bases for succession. If that is so, I have yet to see that any person who is dying or who had died had any affection for a person whom he might not have even seen. When we were debating the Bill in 1930, it was said that 214 persons preceded the sister before she became the heir. Then the law was changed in 1930 and the sister was accorded her proper place.

Now, I understand the number of agnates and cognates is innumerable, and the deceased may not have even seen them or known them. I do not see how natural love and affection can come in the case of those persons who are so remote.

I quite see that so far as the amendments of Shrimati Jayashri are concerned, she wants to limit the agnates and cognates to five degrees. I think it is the general view of the House that all the agnates and cognates should not be excluded, and this is a happy compromise. I would be rather happy if the hon. Minister accepts those amendments. At the same time, now I understand that the whole basis of this law is a little different. We are now moving towards a socialist pattern of society. We now say that nobody shall have large properties, and nobody who can succeed shall be debared from succeeding. If that is the principle, I should

think that the place of agnates and cognates is nowhere to be found now. Therefore, it will be a very great help to the Union Treasury if this Bill is passed. This will be in the nature of an auxiliary to the Estate Duty Act. Under that Act, only the rich people are mulcted. Now, in regard to this, such a large amount of property will come into the hands of our Government that they will be able to find money for all their plans and implementation of directive principles, if they succeed to this property. Nobody's expectations will be disappointed. I therefore think that it is better to give a short shift so far as this relationship in connection with Hindu joint Family property is concerned, and to reach our goal more readily and more expeditiously.

Regarding amendment No. 180, I have to submit that in regard to unmarried daughters when they succeed, the succession should revert after their marriage. In regard to widows, when they remarry, the property should come back to the heirs of the husband.

Shri A. M. Thomas (Ernakulam): So that once vested, it becomes divested.

Pandit Thakur Das Bhargava: Exactly. This principle, 'once vested cannot be divested,' is of rather doubtful origin. So far as the Hindu law is concerned, there are many cases. What happens when a child is in the womb? When born, he takes his share and the succession is ante-dated. There are many other cases. It is not such a rule of universal application or undoubted value that we must accept it. On the contrary, if you kindly see the present law, as it is observed in the Punjab, and perhaps other places, even today if a widow remarries, her property is forfeited. Even today it is the law, and since times immemorial this has been the law. As soon as a widow remarries, her property reverts to the heirs of the husband.

Shri S. S. More: Is it recognised by judicial authorities?

Pandit Thakur Das Bhargava: It is recognised. It is the custom and it has been there from times immemorial. Even today we are observing this rule.

Shri S. S. More: If it is a limited estate, it may revert back.

Pandit Thakur Das Bhargava: It may revert back.

You must look at the question in another way. Today what will happen in the Punjab as a result of this? It means that the widow who has got a limited estate will get the full estate. But what is the position of a male relative, an ordinary man, the son in an ordinary family, not a Mitakshara or coparcenary? Today, the father and the son are debarred from alienating their ancestral property, whether they live jointly or not. A widow is also debarred from alienating her property; only for purposes of legal necessity can the widow dispose of the property. The result of this would be, when you make the property of the widow absolute, I should say absolutely absolute, she gets much more rights in the property than a man has got today, either as a coparcener or as an ordinary person in Punjab. My friends are not visualising that. In our attempt to arrive at equality, we will be perpetuating inequality. The ladies will get much more rights than others. I am agreed that they may be brought on a par and let them be given exactly those rights which a male gets. They do not claim more but yet you are going to give them more. This is an anomaly.

Shri A. M. Thomas: Does the hon. Member mean to say that the Hindu male in Punjab gets lesser rights than the female?

Pandit Thakur Das Bhargava: It will be so when the Bill is passed. Today it is not so. Today, the widow cannot part with the property unless for legal necessity.

Shri S. S. More: I am astonished at this view that she cannot alienate the property when it is absolute property under the Hindu law; I can understand agricultural estates under some other provision of law not being capable of alienation.

Mr. Speaker: It is a custom whereby during the lifetime of the father, the son cannot have even partition. Custom overrides law.

Pandit Thakur Das Bhargava: Today in the whole of India a coparcener cannot sell his property.

Shri S. S. More: He can sell his interest.

Pandit Thakur Das Bhargava: He cannot sell his interest without legal necessity.

Shri C. R. Chowdary: A coparcener can validly transfer his property or interest.

Mr. Speaker: The Madras High court has held so.

Pandit Thakur Das Bhargava: In some parts of India, I think, in Bengal and Bombay, it is not the rule. It is not the law in Punjab also. Shri C. C. Shah also gave some reference to this and he also said that the coparcener cannot transfer or dispose of his property—the share in the coparcenary property. This is the view in Bombay.

Shri Altekar: In Bombay a coparcener can alienate his interest in the property. That is the law obtaining in Bombay. It may be different in Madras.

Shri Gadgil (Poona Central): His undivided share can be sold.

Pandit Thakur Das Bhargava: I know what is happening in Punjab. If the father has got ancestral property, he cannot dispose of it if he has got sons or even relations up to the 5th degree.

The result of this will be that if a daughter gets property under this, she will be able to dispose of that property to whomsoever she pleases. It means that she will get much more rights than an ordinary person in the Punjab.

What I was submitting was that, as a matter of fact, you will be changing this law of the Punjab. I do not know what is the position under the Hindu Widow Remarriage Act. I have just got a copy of it.

Shri N. C. Chatterjee: I will deal with it.

Pandit Thakur Das Bhargava: Section 2 of the Act reads thus:

> "All rights and interests which any widow may have in her deceased husband's property, by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her without express permission to remarry, only a limited interest in such property, with no power of alienating the same, shall upon her remarriage cease and determine as if she had then died; and the next heirs of her deceased husband or other persons entitled to the property on her death, shall thereupon succeed to the same."

This is the law so far as the whole of India is concerned, I think.

Shrimati Renu Chakravartty: That is limited estate.

Pandit Thakur Das Bhargava: It is clear that in the Punjab, as soon as a widow remarries, she forfeits her right to the previous husband's property. There is nothing new which we are propagating.

Look at it from another standpoint. Supposing a girl of 16 or 17 becomes a widow. Ordinarily, when such a calamity befalls her she is likely to remarry. There is no reason why she should not. Supposing, she had one child by the previous husband and the husband died, when she was 16 or 17. She remarries and other sons are born.

Shri N. C. Chatterjee: I am reading from Mayne. The Act provides that all rights and interests shall thereupon cease and determine on her remarriage as if she had then died.

Mr. Speaker: Which section?

Shri N. C. Chatterjee: Section 2; Hindu Widow Remarriage Act [Act XV of 1856]

Mr. Speaker: I thought he was referring to the Hindu Women's Property Act.

Pandit Thakur Das Bhargava: According to this law and the custom in Punjab, the present position is that a widow loses her rights in the previous husband's property if she remarries.

I was referring to an example of a widow of 16 or 17 remarrying. Supposing she does not remarry but there is unchastity etc. and there are illegitimate children. According to the provision that we have already passed, those illegitimate children will succeed along with the child from her previous husband to the property. This is what we have passed.

We have passed some time ago a marriage law. In that we have provided that when there is a divorce, then alimony for the whole of her life should be given if the judge so orders. We had also said that if it is proved that she

was unchaste, then, in that case, her right to alimony was to be forfeited. In regard to a woman who has earned a divorce, you have said that because of unchastity, or under certain circumstances, the right to alimony or the right to maintenance will cease and also on remarriage. So, on remarriage, the right to maintenance ceases but yet the property itself is with her. When you have accepted that in the case of the marriage law, my humble submission is that on the question of property also this must apply. Having accepted that principle in the marriage law, how can we get over it? It is very natural if you consider that the property belongs to a certain family and if you get away from that family, if you get away from all those ties....

Mr. Speaker: But there is the practical difficulty. If you confer absolute right on the widow, then it becomes her absolute property. She can will away that property or give it away on the eve of remarriage, or sell it away. How are you going to prevent it?

Pandit Thakur Das Bhargava: I understand this; my friend has pointed out the difficulty. But, is not the same difficulty there when you give the property to the daughter and the power to the father to will away coparcenary property? The same thing will happen. In many cases, it may happen; in many cases, it may not happen. She may not part with the property; she may not sell the property and yet remarry. Or, I go a step further and....

Mr. Speaker: She may make a gift of the property to the prospective husband and then remarry.

Pandit Thakur Das Bhargava: It may be so. I was just coming to that. As a matter of fact, I was just considering that. Supposing, instead of selling she makes a gift of it to the prospective husband. So far as that is concerned, it is clear that other persons will be able to contest the transaction....

Shri S. S. More: Under what conditions?

Pandit Thakur Das Bhargava: Under the provisions you make here you may say that her property shall be absolute and you are actually giving such powers to the female. But, I do not think it is right.

Shri S. S. More: Transactions to defraud creditors may be challenged by the creditors; but, here, nobody can challenge.

Pandit Thakur Das Bhargava: Today, supposing a woman makes a transter of her husband's property, the reversioner of her husband would bring in a suit and get it set aside.

Mr. Speaker: It is because she has no absolute property.

Pandit Thakur Das Bhargava: I am, therefore, saying that you should give her only such property as is enjoyed by a male. If the property is self-acquired, she may dispose it of as she pleases.

Shri C. R. Chowdary: I want to know how a suit can be filed for setting aside the transaction when she has absolute right to dispose of the property.

Pandit Thakur Das Bhargava: I am coming to the point but my friend is not appreciating it. It is the point that I said yesterday and the day before.

Shri C. R. Chowdary: I am sorry he has not expressed it.

Pandit Thakur Das Bhargava: Even if I did not express it ....

Shri S. S. More: All this is relevant under clause 16.

Pandit Thakur Das Bhargava: My amendment is No. 180 and I am speaking on it. I do not know how all this is not relevant here. The subject matter is there, of course. Here also, on remarriage, she should forfeit her property. This is a complete scheme. By virtue of her marriage, she goes into another family. Similarly, when an unmarried daughter marries, I want her property to revert back. This is a complete scheme. You may accept it or not, but it is completely logical and understandable.

Mr. Speaker: Would you put a limit on the number of years during which she should remain unmarried?

Pandit Thakur Das Bhargava: There are flaws in every possible thing. You have not yet invented a flawless Bill. I can find twenty flaws in every clause of this Bill, I do not say that this provision is such that there can be no criticism. I submit that this is in consonance with our past law and we should not rend asunder all our past connections by this Bill.

Shri N. C. Chatterjee: Due to the great efforts of the social reformer, Ishwar Chandra Vidyasagar, in 1856 the Widow Re-marriage Act was enacted, and that was a great step forward. Independent of that Act there are thousands of widows who got married in this country and are still getting married under local law or customary law. This has also happened in my part of the country among Vaishnavas and other castes although our law forbids re-marriage of widows. Mayne points out—

> "In all cases, whether it was permitted by usage or otherwise, second marriage entailed the forfeiture or divesting of the widow's estate, either as being a signal instance of incontinence, or as necessarily involving degradation from caste. Remarriage of widows is now legalised in all cases by the Hindu Widows' Remarriage Act (XV of 1856). But the Act provides that all rights and interests which a widow may have in her deceased husband's estate shall cease and determine on her remarriage as if she had then died.'

In *1 Madras 226*, which was decided in the year 1877, it is stated—

> "Even where widows are by custom of the caste entitled to remarry, the estate vested in a widow will terminate on her remarriage. In *Murugayi* v. *Viramakali*, a case of a woman of the *Maraver* caste amongst whom widows could remarry according to the custom of the caste, it was held that as the principle upon which a widow takes is that she is the surviving half of her husband it cannot apply where she remarries and that the law will not permit the widow who has remarried to retain the inheritance. The same rule was applied to the remarriage of a Lingait Gounda woman who could remarry according to the custom of her caste."

In a later case also, the Chief Justice took the same view and held that a widow forfeits her estate on her remarriage. It is further stated there—

> "Accordingly, it is settled that where a widow remarries, whether by custom of the caste or by the enabling provisions of the Act, she forfeits, on her remarriage, her interest in her husband's estate."

There is a lot to be said in favour of that view. As you have pointed out and other hon. friends have also pointed out, it may be difficult to enforce it in some cases if you give them also the power of alienation. But assuming that it may be difficult in some cases to make it effective, on principle we are suggesting that in the Hindu Succession Bill, we should not jettison completely the essential and cardinal principle of our Hindu sociological and juridical system. I think it is perfectly legitimate, as suggested by my friend, Pandit Thakur Das Bhargava and others, that some such clause may be there. It may be true that in some cases it shall not operate and in some cases even the second bridegroom may not want an inheritance in this way.

Mr. Speaker: He must only be a Sukabrama rishi. If even one rupee is added to his property, who will refuse it?

Shri N. C. Chatterjee: It depends upon the depth of affection. It may be that he is not really wanting to inherit the property but something else. I am strongly opposed to Shri More's suggestion that sub-clauses (c) and (d) should be deleted from clause 8.

Mr. Speaker: What does the hon. Member say about Shrimati Jayashri's point? Even under the existing law, only *sapindas* and *samanodakas* can get.

Shri N. C. Chatterjee: At least *sapindas* and *samanodakas* have been included and they have been succeeding.

Mr. Speaker: Is there no limit set, say, five degrees or seven degrees for *samanodakas*?

Shri N. C. Chatterjee: You may put a reasonable limit and I am not objecting to that. Let us not turn the Hindu Succession Bill into a confiscatory measure. We have no business to say that under the garb of socialistic pattern of society, we shall utilise this kind of measure for the purpose of confiscation. Are we not confiscating more or less in this measure? Who are these *atmabandhus*? I am giving you only a few

instances—father's sister's son, mother's sister's son, mother's brother's son. Are these the people whom for years you have never seen in your life? Is not your mother's sister's son equal to your own brother? He is almost a first cousin. According to the notions in the part from which I come, they are *pisthutho bhai, masthutho bhai* and *mamatho bhai*. They are looked upon practically as members of the same family. Are you going to legislate that immediately after the first category is exhausted and the second category is exhausted, even if there is a maternal uncle, mother's sister's son or mother's brother's son, or father's sister's son, you will order escheat to the State because the State is going to be a welfare State? That will not be fair and that will be something which is not proper. I am, therefore, strongly opposing this. I am not saying that you should have it much larger. I know that with regard to *samanodakas*, the list is very wide. I am only saying that you should not accept Shri More's suggestions, because one Maharashtrian may accept another Maharashtrian's suggestion.

Shri Pataskar: There is no question of Maharashtrian in this matter at all.

Shri S. S. More: The Government of India will not look at Maharashtrians.

Shri N. C. Chatterjee: A man dies at the age of 60; do you expect his father to be alive then? Assuming it to be so, do you expect the father's mother also to be alive? Do not say that these classes will be exhaustive, and that if they are not there, the civilised principles should be adopted, and agnates and cognates should be ruled out. I think it will not be fair and you should not encourage this idea of turning this into a confiscatory measure.

Pandit Thakur Das Bhargava: Have it as five or seven degrees.

Shri N. C. Chatterjee: You can set some reasonable limit. Do not make *samanodakas* 117 in number, as under the present system. Limit it to reasonable proportions. You may accept the lady Member's suggestion or any other suggestion, but do not accept Shri More's suggestion.

Shrimati Renu Chakravartty: I am also of the opinion that the hon. Minister should accept the suggestion made by Shrimati Jayashri. It is true that we accept the principle of inheritance by kinship. The degrees of relationship which have been just read out by Shri Chatterjee are very close. So, we should not exclude them. I have no illusions at all that this measure is going to lead us towards socialist pattern of society. I have no illusions, as I said yesterday, that the Mitakshara daughter is going to get very much. We are going to fight to the last for absolute rights of whatever little she gets. There is no question of any compromise on that point. Pandit Bhargava was saying that up till now, the Hindu society, wherever it had granted women's right to property, had granted it on the basis of limited estate. Fortunately, Shri Chatterjee read out certain portions of legal judgments that is widows remarriage to explain the position as it was today. He said that a widow remarrying was considered to have debased herself and lost caste. Do we have that sane attitude towards widows remarrying? We do not and should not have that attitude? Yet although Ishwar Chandra Vidyasagar passed the law for widow remarriage years and years ago in the face of tremendous opposition, even today the widow hestitates to remarry. She does not remarry because of social ostracisation. Even young girls do not remarry. We know the amount of prejudice against her being married. Therefore there should be no question if she inherits the property, she should inherit it absolutely. As it is she will not be allowed to have that property when she remarries; it will again revert back to the original family. Only a very small fraction of ancestral property will devolve on the daughter. On the top of all that, in clause 17(2)(b), we say that any property inherited by a female Hindu from her husband or father-in-law shall devolve, in the absence of any son or daughter of the deceased, not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband. It is true that even after she marries a portion of her inherited property may devolve on heirs other than those who are within the family. I say that this portion will be very small and as such I think there is absolutely no case. There is this amendment of Pandit Bhargava. I can understand him. He feels that the property must remain within the family. Once we have broken with that idea and say that a daughter, in spite of the fact that she is going outside the family, has a right

[Shrimati Renu Chakravartty]

to inherit, we must also accept the position that she has a right to will it or do whatever she desires. She is the absolute owner of the property. As such, I oppose amendment No. 67 which has been supported by Pandit Bhargava.

Shri Pataskar: There are in my opinion two kinds of obsessions which are disclosed by the amendments moved. Shri Vaishnav wants that if a widow remarries she shall cease to have an interest. I think it has been sufficiently replied. Whatever may be the genesis, whatever may the right or wrong of the introduction of that principle in our Hindu law, I may point this out. Shri Chatterjee was not here when I pointed it out on the last occasion. When a similar measure giving the right to woman, specially widows, was discussed in this House in 1937, the late Shri N. N. Sarkar, and Dr. Deshmukh, who was in charge of that measure—made it clear that these were really foreign ideas. The Mitakshara originally did not have reference to limited estate. These are all foreign ideas. When we come to have some legislation about the family law, we shall see what to do about it. I fail to understand his idea. It was not proper on his part to have suggested that widow will go on remarrying and that she will have readily men available with property also. This is taking thing too far.

Mr. Speaker: One must first of all become a widow before remarriage. She must go on seeing that she becomes a widow. The husband must be able to accompany her. *(Interruptions)*

Shri Pataskar: Some people are obsessed more with property than with morals. He was all along talking about morals. I do not know what morals are contained in this suggestion. I think Pandit Bhargava's amendment is more or less on the same lines.

There was one point which he made. Probably, in Punjab Mitakshara customary law has made very great inroads. Whatever it is, if it needs any change, so far as the rights of the males in a Mitakshara family or a family governed by the customary law are concerned, we shall look into the matter when we come to the question of codifying the family law.

Shri Dabhi said that a wife who had deserted her husband in his lifetime, should she become a widow, should not be allowed to succeed to that property. The difficulty will be as to whether the husband had deserted her or she has deserted her husband. There will be all sorts of complications.

Mr. Speaker: Clause 8 only refers to a table showing the various persons. It is all defined later on in the clause. There is a disqualification clause also later on which says that if, on the ground of desertion or conversion or murder, this or that, some disqualification is entertained etc. That is the proper place to consider all these.

Shri Pataskar: I am on principle opposed to making all sorts of exceptions. Whether a husband deserted the wife or the wife deserted the husband, are all matters which have to go to the court. It has to decide who deserted whom and so on. *(Interruptions)*

Mr. Speaker: Order, order. My point is this. I am here to regulate and find out where a particular amendment can fit in. I have absolutely nothing to say against the substance. It is for the House to decide. But, these are all arguments against imposing disqualifications. There are clauses relating to disqualifications under certain circumstances. This clause only refers to a table which says that these are the heirs. These heirs are further referred to in the other clauses that come later on. So, that will be the suitable time to look into those matters.

Shri S. S. More: Shri Dabhi's amendment can be more appropriately considered with clause 26.

Mr. Speaker: This clause refers only to this: whether the agnates and cognates should be there or should not be there. If they are to be there, by what degrees should they be there? The other things do not fit into the picture here. Of course, we can take all these things and reject them or accept them if the House is willing.

Shri Pataskar: With respect to Shri More's suggestion regarding the omission of sub-clauses (c) and (d), he wants that the heirs should be confined to heirs mentioned in clauses (a) and (b). If none of them are there, then the property should go to the State. He said that this would improve the coffers of the State, and thereby he would advance the cause of socialist society. There are other friends like Shri Chatterjee, who

pointed out that the State should not look to having such resources of doubtful nature. (*An Hon. Member*: Why doubtful?) I feel doubtful.

Shri S. S. More: It will depend upon the character of the man and the State that he leaves.

Shri Pataskar: I believe that the State is not interested in getting revenues by such means. We have got ample powers at our disposal to get revenues, in a direct manner, from those who possess property. That is the best way to deal with it. Looking to the scheme of things, it was never our idea to proceed in an indirect manner and this view was shared by the Joint Committee which considered the matter.

1 P.M.

Shri S. S. More: What is the hon. Minister's reaction to Shrimati Jayashri's amendment?

Shri Pataskar: I am inclined not to accept any amendment to this clause for this reason that, if we make it five degrees, why should we not make it seven degrees.

Mr. Speaker: All that he thinks is that beyond a particular degree it may not be easy to prove.

Shri Pataskar: It is not going to be of much use and consequence one way or the other. It is a remote chance that this property will revert to Government and I believe that the Joint Committee after considering all this came to the conclusion, the Rajya Sabha debated it and passed it and I am not inclined to change it for no substantial reason. I would, therefore, appeal to hon. Members to accept the clause as it is. I am not questioning their motives, which no doubt are laudable. But at the same time I think the clause should remain as it is and it does not need any change.

Mr. Speaker: So far as amendment Nos. 1 and 67 are concerned, by Shri Dabhi and Shri Vaishnav, I think they are more appropriate to clause 16. Of course, enough has been said on this subject and when we come to that clause *viz.* 16, I do not propose to allow much discussion on it, except perhaps to give opportunity to one or two Members. At any rate they are not appropriate here under clause 8. So also amendment No. 180.

The other amendments are Nos. 37, 68, 215 which are the same. Is it necessary for them to be put to the vote of the House, as Government are not accepting them?

Shri S. S. More: They may be put.

Mr. Speaker: The question is:

Page 5—

omit lines 39 to 42.

The motion was negatived.

Mr. Speaker: So far as amendments Nos. 7 and 8 are concerned, need I put it to the vote of the House.

Some Hon. Members: Yes.

Mr. Speaker: The question is:

(i) Page 5, line 40—

for "of the deceased" *substitute*:

"related to the deceased within five degrees."

(ii) Page 5—

for lines 41 and 42, *substitute*:

"(d) lastly, if there is no agnate related to the deceased within five degrees, then upon the cognates of the deceased within five degrees".

Those who are in favour of the amendment will say "Aye".

Some Hon. Members: Aye.

Mr. Speaker: Those against will say "No".

Some Hon. Members: No.

Mr. Speaker: The 'Noes' have it.

Some Hon. Members: The 'Ayes' have it.

Mr. Speaker: Do they want to divide on this, because nobody is going to have evidence. No evidence will be let in after five degrees.

Shrimati Renu Chakravartty: Is it your contention that there could be no agnates and cognates after five degrees?

Mr. Speaker: There are, but it is difficult to prove.

Shrimati Renu Chakravartty: What I could make out from the various interpretations quoted by Shri Chatterjee is that there are long lists of people who do fall into that category.

Shri N. C. Chatterjee: It may be difficult in some cases, but it can be found out. Go to Mathura or Hardwar, you can find out all your cognates and agnates.

Mr. Speaker: I do not want the House to divide on this. I shall again put the amendments.

The question is.

Page 5, line 40—

for "of the deceased" *substitute*:

"related to the deceased within five degrees."

The motion was negatived.

Mr. Speaker: The question is:

Page 5—

for lines 41 and 42, *substitute*:

"(d) lastly, if there is no agnate related to the deceased within five degrees, then upon the cognates of the deceased within five degrees."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 *was added to the Bill.*

Clause 9.—(*Order of succession among heirs in the Schedule*)

Mr. Speaker: We have already taken more than one hour. We started at 11-30 and we must have finished clause 8 by 12-30.

Shri N. C. Chatterjee: This clause is the crux of the whole Bill.

Shri V. G. Deshpande (Guna): I beg to move:

Page 6, line 2—

after "simultaneously" *insert*:

"in the first three cases to the exclusion of the rest, and in the absence of the male, the females shall take simultaneously".

The first three cases are son, daughter and widow. Therefore if this amendment is incorporated the clause would read:

"Among the heirs specified in the Schedule, those in class I shall take simultaneously in the first three cases to the exclusion of the rest, and in the absence of the male, the females shall take simultaneously..... etc."

Mr. Speaker: What about the son of a predeceased's son? The son of a predeceased's son, the grandson of a predeceased's son, son's son's son are all entitled.

Shri S. S. More: He wants to exclude them.

Shri V. G. Deshpande: No. In the absence of the male the female shall take simultaneously.

Mr. Speaker: If the wording is not correct, it can be amended.

Shri V. G. Deshpande: What I mean is that the son should include the son of a predeceased's son and widow. All these I want to be included.

I do not know whether a discussion on this will be appropriate before the Schedule is taken up. That was why we had requested the Chair that the Schedule may be taken up along with this clause. We have allotted a lot of time to the Schedule.

Mr. Speaker: I think this will be appropriate at this stage, because simultaneously all preferential orders must be exhausted before we come to the Schedule. When we come as to who ought to be included in the list or not, that is another matter.

Shri V. G. Deshpande: Then I will place my point of view briefly. The very scheme of the inheritance, as was discussed in the general discussion at length, is the continuance of the family. According to that, we have always felt that a son or a son of a predeceased son or a son of a predeceased grandson, any of the three persons, will ensure the continuity of the family. I am very much surprised that here again and again it is being said that the object of this Parliament or of society is to take society towards individualism. I do not believe that in the socialist pattern of society you must look more to the interest of an individual than to the social well-being as a whole. The well-being of the family is a much greater ideal than giving freedom to every individual and making for the disintegration of the whole society.

If you study the list in Class I, I think you will find that in no law in the world, be it the Muhammadan law

or the Christian law or the Indian Succession Act, there is such a long list of simultaneous heirs. Dr. Kane while speaking in the Rajya Sabha—all of us may be knowing that Dr. Kane is one of the eminent supporters of giving right to daughters—has said that he is opposed to this kind of list being increased to such a length. And he says, "I am prepared to give simultaneous succession to a son, son's son, or grandson's son, or daughter at the most; I am not prepared to go beyond that". We find a very long list here.

Shri C. C. Shah: What about widow?

Shri V. G. Deshpande: Widow? I am myself proposing widow. I do not mind widow remaining here. In fact, I find from the present Bill that you have curtailed the rights of widows as they exist today, and I intend proposing an amendment whereby the widow's position may be improved. Because, here, in the name of giving more rights to women, the women who really need them have been deprived of their rights. Therefore, I do not mind a widow getting an interest, a son getting an interest, or son's son—who is as good—or grandson's son. They should remain there. And all this long list of predeceased daughter's son and predeceased daughter's daugter, all these things, should be excluded from this. Because, I feel, as some of the Members have said, that the main purpose of this Bill is to completely destroy the family property and the way in which people are living in this country. As my hon. friend Shri More said, now in this welfare State everybody's care will be taken by the State. When everybody's care is going to be taken by the State and when that part of socialism that one way traffic of socialism, is going on, I do not know, but it appears that you will deprive people of all their means of livelihood and all the insurance which the families have provided for helping all the orphans, all those who are unprovided for, all that you will destroy without making, as a substitute, any scheme on behalf of the Government. Thereby all the people who do not get any maintenance or support will, in the absence of any such scheme, be greatly hit. And I think simply for the fun of disintegrating family property, you should not increase the list to such length.

Therefore, as I have proposed, only the first three cases should be there; and we may add there these two cases, namely, the predeceased son and predeceased son's son, and also predeceased grandson's son. After making this addition if we keep the list and remove the remaining portion, this law would be at least tolerable, if not acceptable.

Mr. Speaker: I only want to know this from the hon. Minister. Originally, possibly, when the entire property of all the members was the property and that had to be shared, there might have been some justification for having the widow of a predeceased son. Under the amendment this widow gets a share of the husband's property. What I am saying is this. If X dies, instead of dividing his property amongst his sons, daughters and widow, if it is given to the widow of a predeceased son also, she will get the share of her husband's property as well as that of her father-in-law's property also, to the exclusion of others.

Shri C. R. Chowdary: The daughter-in-law is entitled to inheritance, whereas the son-in-law is not entitled.

Mr. Speaker: Therefore, when the entire property was divided, because it was constituted early, each son becomes at independent owner, his share becomes separate. Therefore, why not confine it to the son, daughter and widow of that person—and son means son's son and son's son's son—instead of taking it further to a predeceased son's widow who has a right in her husband's property and who will now get a share of her father-in-law's property and brothers-in-law's property?

Shri H. G. Vaishnav: That is worth considering.

Shri Seshagiri Rao: The same thing applies to a daughter of a predeceased son.

Mr. Speaker: After this amendment we will consider it.

Pandit Thakur Das Bhargava: We have also given amendments for the purpose of deleting these heirs, daughter of a daughter, etc., in the Schedule. You may kindly take votes then. This has come by the way. There are joint amendments.

Mr. Speaker: The hon. Member has not followed me. I said to the hon. Minister that at the time when the original clause stood, if a person dies, the entire property of all his undivided

[Mr. Speaker]

sons should be treated as property for division. The point is that in respect of the widow of a predeceased son, the property is treated as the property of the father-in-law, therefore she must have a share. I was asking him, in view of the amendment that has been made already, whether this lady must once again be given a share, along with her husband's share, of her father-in-law's property. The difficulty will be that the share of the widow, son and daughter will go down.

Shri S. V. L. Narasimham (Guntur): You are considering only the Mitakshara coparcenary. You take cases..

Shri Pataskar: What you have said, I think, Sir, will be taken into consideration at the time of discussing the Schedule. Here we say "Among the heirs specified in the Schedule, those in class I shall take simultaneously". We shall decide it then, And we say "those in the first entry in class II shall be preferred to those in the second entry; those in the second entry shall be preferred to those in the third enry; and so on in succession". I think no amendment is necessary.

Shri N. C. Chatterjee: We are objecting to all these eleven persons being made simultaneously in the same category. We have a lot to say on this. I take it that whatever happens to Shri Deshpande's amendment will not bar the discussion of the Schedule.

Mr. Speaker: Even according to Shri Deshpande's amendment there will still be a group who will take simultaneously; the son, the daughter and the widow will take simultaneously. He says that the others need not be brought under that category. The hon. Minister says that we can split I into I(a), I(b), and I(c) and say that these are the people in category (a) and we can have (b) and (c).

Shri S. V. L. Narasimham: You were suggesting to us that it is not necessary.....

Mr. Speaker: We are not now going into that matter.

Shri S. V. L. Narasimham: I want you to consider this. This particular Schedule is not confined to the Mitakshara coparcenary but to all other forms also. In Dayabhaga also, suppose the father is absent and the son dies leaving behind a widow. Should she not be given a share in the father-in-law's property? It is not confined only to the Mitakshara coparcenary but applies to all Hindu properties as well. I only wanted to make that submission.

Shri Pataskar: From every point of view, so far as clause 9 is concerned there should be no difficulty, unless on some misapprehension. We are just saying "Among the heirs specified in the Schedule, those in class I shall take simultaneously and so on". I am prepared to say, I do not mean that the present list should be adhered to.

Mr. Speaker: We can transpose some of those items into some others.

Shri Pataskar: Of course, when we consider the Schedule, that will be the time to consider those things.

So far as Shri Deshpande's amendment is concerned. I think what he probably means is that the females should come only in the absence of a male. That is something, I think, which is not acceptable. I believe, as was pointed out to him, this will, if we put it in this form, create confusion. Even from his point of view, I think clause 9 as it stands now should be retained. I think it does not cause any harm to anybody. The proper place to discuss all these matters would be when we come up to the Schedule.

Shri V. G. Deshpande: Will it bar discussion on this?

Shri Pataskar: How can discussion on this be barred?

Mr. Speaker: Therefore, what I suggest is—clause 8 we have disposed of—that we may take up clauses 9 to 14 and the Schedule together.

Some Hon. Members: That should be done.

Mr. Speaker: I suggest that these may be taken together and disposed of once for all.

Shri Seshagiri Rao: Clauses 12 and 13 are not necessary and so they have to be deleted.

Mr. Speaker: We will come to that. We have not discussed clauses 12 and 13. If we come to the conclusion that they are not necessary then we will delete them. We are taking up clauses 9 to 14 together as a group. It is open

to the House to reject any clause out of them. So the clauses 9 to 14 and the Schedule will be discussed together.

Shri Pataskar : But what is the difficulty with regard to clause 9? Let us examine it. As to who should be in class I and who should be in class II we will decide when we take up the Schedule.

Shri N. C. Chatterjee : The only thing I want to point out is, in order to avoid unnecessary fragmentation, it may be necessary to split up the list of 11 heirs into two categories. That is our object. Our object is, if you put them down as 'simultaneously' here, even if you amend the Schedule for the purpose of saying that such and such people shall be in class I, all these 11 heirs should not be placed in the same category.

Mr. Speaker : You must split them into sub-categories.

Shri N. C. Chatterjee : That is our object.

Shri Pataskar : I will take, for example, a hypothetical case.

This clause says :

> "Among the heirs specified in the Schedule, those in class I shall take simultaneously...."

Whether the number is 2, 3, 4, 5 or 15, that will be decided when we come to the Schedule. I do not understand what difficulty arises by passing clause 9.

Shri N. C. Chatterjee : It may bar discussion on this. We are only safeguarding that it may not be said later on that we are stopped from saying that this order of priority cannot be altered.

Shri Pataskar : Because you pass clause 9, I will not say that you cannot change any word in class I of the Schedule.

Shri N. C. Chatterjee : That is all what we want.

Mr. Speaker : The hon. Minister has not appreciated the difficulty. The difficulty will arise this way. It may be that when you come to the Schedule the list given in class I will have to be split into two categories, each group taking simultaneously.

Shri Altekar : It will not be so. If we can reduce the number in class I of the Schedule to 5 or 6, we can take the rest of them at the top of class II in the Schedule. Therefore, the wording of the clause will not in any way come in our way.

Shri H. G. Vaishnav : The rest of the categories will have to be accommodated somewhere, that is all.

Shri Pataskar : They will go to class II.

Mr. Speaker : Class II means that the first heir will be preferred to the next. It may so happen....

Shri Rane (Bhusawal) : But, supposing a class III is there?

Shri Seshagiri Rao : That is possible.

Mr. Speaker : Therefore, there will be class I, class II, and class III. Class II also shall take simultaneously or something like that. Suppose we split class I and give preference to the first five numbers to take simultaneously the others ough not to rank along with them in the simultaneous distribution, but they may rank before class II. In that case there may be some difficulty if we pass clause 9 as it is.

Shri Pataskar : I will just again try to put before you my point. If you look to the Schedule, there are two classes, class I and class II. In class II there are entries : I, II, III up to X. The scheme is that out of the two classes, with regard to class I we say that the heirs mentioned there shall take simultaneously. With regard to class II we say that those in the first entry in class II shall be preferred to those in the second entry; those in the second entry shall be preferred to those in the third entry ; and so on in succession.

Mr. Speaker : We will assume that the House agrees to put son, daughter, widow or some such categories, out of the various categories, along with the heirs in class I.

Shri Pataskar : At least some of the items in class II.

Mr. Speaker : The heirs set out in class I are now desired to take simultaneously. The objection was that those people who are daughter's daughter's daughter and so on ought not to

[Mr. Speaker]

be in the same category as son, daughter, widow and so on. If for any reason at least one or two of the heirs are excluded from this class I, they will come among the heirs who will take simultaneously, in which case they cannot be put in class II, because the earlier excludes the second. Therefore, the third category has to come into being. So my suggestion is this. Let this group of clauses from 9 to 14 and the Schedule be taken up together for discussion.

Shrimati Sushama Sen (Bhagalpur South) : That will be better.

Mr. Speaker : Clauses 9 to 14 and the Schedule exhaust all the categories. The other clauses relate only to diqualification, computation of degree etc. They are not germane to this; of course, they are independent clauses and they are connected to the subject. We have discussed clause 9. All the time available for clauses 9 to 14 and the Schedule will be utilised together.

Shri Seshagiri Rao : I have got one submission to make. We have decided now that clauses 9 to 14 shall be taken together. There are two clauses —clauses 12 and 13—which will have to be rejected.

Shri Rane : That also can be discussed when we take up all these clauses together.

Mr. Speaker : It is only a question of opinion. I will allow the hon. Member to speak and if he wants to say that clauses 12 and 13 should not be there, let him say so.

Shri Altekar : Then amendments to the Schedule will have to be sent up now.

Mr. Speaker : If they have already been sent up I will treat them as moved.

Shri Altekar : We have only given the numbers up to clause 9.

Shri C. C. Shah : Clauses 9 to 14 can be considered apart from the Schedule. This merely puts the order of succession. That is a different matter and the Schedule can be considered independently.

Mr. Speaker : My difficulty is, it is not only the categories of heirs which the Schedule contains, but how it is regulated by clause 9.

Shri C. C. Shah : There will be two classes, class I and class II.

Mr. Speaker : There can be a third class.

Shri C. C. Shah : Obviously if some heirs are excluded from class I, then they will have to go into class II.

Mr. Speaker : They can be taken in class I-A and the heirs there shall take simatluneously. There may be a division of class I into two groups, both taking simultaneously.

Shri C. C. Shah : Even in class II there are heirs who take simultaneously. If you see entries II and III in class II for example, the son's daughter's son, the son's daughter's daughter etc. take simultaneously. In entry III also, daughter's son's son, daughter's son's daughter etc., take simultaneously. Therefore, if some of the heirs are taken out from class I and put in class II, they can be put in one entry and they shall take simultaneously.

Shri Altekar : Even father and mother take simultaneously.

Shri C. C. Shah : Yes. So, there will be no difficulty about that.

Mr. Speaker : Therefore, what the hon. Member suggests is that whatever is taken out of class I can be put in class II.

Shri C. C. Shah : And the question is as to in which entry they should be put.

Mr. Speaker : Exactly, and the order in which they should be put.

Shri Pataskar : Because we pass clause 9 now, I am not going to say that we should not make any alteration in the Schedule.

Shrimati Sushama Sen : In fact, I have given an amendment seeking to put father and mother in class I.

Mr. Speaker : That we will consider when we come to the Schedule.

Shri V. G. Deshpande : Then are we discussing only clause 9 now?

Shri S. S. More : I would suggest that Shri V. G. Deshpande's amendment may be postponed now and taken up along with the Schedule.

Shri C. C. Shah : So far as Shri Deshpande's amendment is concerned, he wants to exclude all females in class I and include all males.

Shri V. G. Deshpande : Except.....

Shri C. C. Shah : Except widow and daughter.

Mr. Speaker : There is no meaning in it. The object is to give to the daughter.

Shri S. S. More : When we come to the Schedule, if his amendment is accepted, then we shall recast the Schedule so that, whatever heirs he wants should inherit simultaneously, we will bring in the first category. So, it is one of readjusting the Schedule to suit his amendment.

Shri C. C. Shah : Yes.

Mr. Speaker : He may word his amendment also appropriately. It may come under the Schedule. There is no other amendment. The quesion is :

"That clause 9 stand part of the Bill"

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10.—(*Distribution of property among heirs in class I of the Schedule*)

Shri Rane : I beg to move :

(i) Page 6—

for lines 10 and 11, *substitute* :

"*Rule* 2.—Each surviving son of the intestate shall take on share."

(ii) Page 6—

after line 24, *add*:

"*Rule* 5.—Each surviving daughter of the intestate shall take half a share.

Rule 6.—The surviving mother and father together or if only one of the two is surviving, the surviving mother or father shall take one share."

Amendment 10 is only an explanatory one. My amendment clears the position. My amendment says that each surviving son of the intestate shall take one share. As regards amendment No. 15 I have sought to insert rule 5 and rule 6 which gives the status to the parents in class I of the Schedule and seeks to give half share to a daughter.

Shri S. S. More : In view of the amended clause 8, what is the point in this amendment ?

Shri Rane : I have given an amendment to the Schedule also. Unless you put this rule here, the parents cannot be given any share in class I of the Schedule and even if they are included in class No. I, it becomes imperative.

Shri C. C. Shah : But that is an amendment to the Schedule.

Mr. Speaker : Mere amendment to the Schedule is not enough.

Shri Rane : There are only four rules in clause 10 as it stands now. My amendment seeks to insert two more rules, Rule 5, as my amendment shows, says :

"Each surviving daughter of the intestate shall take half a share."

Rule 6 says :

"The surviving mother and father together or if only one of the two is surviving, the surviving mother or father shall take one share."

As regards succession in regard to parents, I have submitted that the parents, the father and the mother, should be put in class I as heirs.

Mr. Speaker : Cannot that be done in the Schedule?

Shri Rane : No; because, when we are dividing the property, what share is to be given must be mentioned here.

Mr. Speaker : We are in clause 10. "The property of an intestate shall be divided among the heirs in class I in accordance with the following rules". So, what is the hon. Member's point?

Shri Rane : Rule 1 in this clause says that the intestate's widow, or if there are more widows than one, all the widows together, shall take one share. The next rule says that the surviving sons and daughters shall each take one share. The third rule deals with the heirs. So, unless there is a specific rule

[Shri Rane]

in this clause for the parents it will be inoperative. The amendment to the Schedule will also be inoperative."

Mr. Speaker: These rules refer individually to particular heirs. If you transpose father and mother here, there is no reference to it.

Shri Rane: Yes, Sir. Therefore, it is absolutely necessary.

Shri S. S. More: I cannot understand rule 5. The meaning is not clear.

Shri Rane: I will first say what I have to say about it.

Shri Patnaskar: He wants half a share for the daughter.

Shri Rane: I will make it clear. As regards the parents, you know Sir, that in the Hindu law the rule is this :

पत्नी दुहितरश्चैव पितरौ भ्रातरस्तथा ।।

Suppose a person dies, leaving no son. Then his widow comes in. Then his daughter and then the daughter's son, *pitrus* etc. If we are laying down the specific heirs, my submission is that there is no reason why the parents should not put in clause I.

Besides, you will find that in the Rau Committee also they have enumerated the heirs at page 53 of the report and father and mother are enumerated there. In the original Bill also, in class I, the words "son, widow, daughter, son or daughter of a predeceased son," etc., occur. In the Rau Committee's report, they have put in thus:

> "(1) son, widow, daughter; son and widow of a predeceased son; etc."

The second item is "daughter's son". The mother comes third. The fourth is father. Then follow the son or daughter of a predeceased son, etc. This is mentioned in the Rau Committee's report. The enumeration of the parents as heirs has been made there.

Then, in the report of the Joint Committee also, you will find that rule 2 in clause 10 gives some status to the mother also. But that has been omitted by the Rajya Sabha. In page 6 of the report of the Joint Committee you will find that rule 2 has been inserted and it says thus :

> "The surviving sons and daughters and the mother of the intestate shall each take one share."

So, the mother was given a status by the Joint Committee. I do not see any reason why the Rajya Sabha omitted it. My submission is that the parents should be given a status in clause I. The father and mother together constitute the parents. My amendment No. 15, inserting rule 6 is therefore very clear. It says that the surviving mother and father together or if only one of the two is surviving, the surviving mother or father shall take one share. According to me, it is very clear.

As regards rule 5, each surviving daughter of the intestate shall take half a share. I might here read what the Hindu Law Committee observed in this connection. Perhaps it is known to you, Sir. This was a very complicated question and by way of a compromise, the Rau Committee suggested that the daughters should be given a half-share. It appears some of the representative organisations have agreed to what the Rau Committee had observed.

Mr. Speaker: The hon. Member is on another point. He disposed of the point relating to the giving of a share to the father and the mother. He says that both father and mother should be given one share along with the son. If both of them are there, they will take half and half. If only one is there, the survivor will take, and the widows will also take a share.

Shri Rane: It should be placed in class I of the Schedule.

Mr. Speaker: It is said in rule 2 that the surviving sons and daughters of the intestate shall each take one share.

Shri Rane: In the place of that rule.

Shri S. S. More: It is not in place of that. Shri Rane's amendment provides for an independent rule.

Mr. Speaker: It is a mistake. We must take the substance of the rule.

Shri Rane: Sir, it must be read along with amendment No. 10. Amendment No. 10 says that each surviving son of

the intestate shall take one share. I have omitted the daughter from that rule. Therefore, I have inserted rule 5.

Mr. Speaker: He wants amendment Nos. 10 and 15 to be taken together.

Shri Rane: This is what the Rau Committee, at page 19 of the report, in paragraph 72, said :

> "The question of the quantum of the share which should be allowed to the daughter has engaged our anxious attention. The one-fourth share provided in the *smritis* seems to be too small, even as a first step; in many cases, it will not amount to much. We note that Sir Vepa Ramesam (Retired Judge of the Madras High Court) would prefer to begin with the one-fourth share and raise it later, if experience proves that the dowry evil has been effectively reduced as a result of giving the daughter the one-fourth share. Most of the women witnesses consider it inequitable to deny to the daughter the same share as the son, but practically all of them accept the provision of half-a-share as a compromise."

It goes on to say "some witnesses have suggested" etc. I do not know who tendered evidence before that committee. But these are the observations of the committee. By way of compromise they have suggested half-share.

Now, even in the original Bill of 1954, clause 10 says as against rule 5 :

> "Each surviving daughter of the intestate shall take half a share."

Even the Rau Committee by way of a compromise recommended that the daughter should be given half share. In the original Bill also, only half share was given to the daughter. But, the Joint Committee raised it to equal share

Shri S. S. More: The Rau Committee also recommended the abolition of getting right by birth.

Shri Pataskar: You cannot have it both ways.

Shri Rane: Besides Sir, I have made some mathematical calculations about shares. Suppose a father dies leaving 2 sons and 3 daughters and a widow and property worth Rs. 9,000. If we accept the provision in the Bill as it is, each son and daughter will get Rs. 1,500. But, for the married daughter, there is another capacity. Suppose as soon as she marries, unfortunately, her husband dies. Then, she inherits the whole property, say Rs. 9,000 if the husband dies without any issues. Then again suppose, she remarries as she is issueless, she can again get the property of her husband whom she has remarried. Therefore, the property of the married daughter is augmented, whereas the share of the son remains constant at Rs. 1,500.

Shri Pataskar: The son has got more earning capacity than the daughter.

Shri Rane: That is a different question. Even today, there are many women who earn more than their husbands and brothers. So, if you give equal share to the daughter, the question of equality is reduced to absurdity because the sister becomes rich while the property of the brother remains constantly at Rs. 1,500 and continues to remain poor. As far as the share of the wife of the son is concerned, that is the absolute property of the wife and the husband does not get anything. By this Bill, she becomes the absolute owner. So, the husband has no right over the property of the wife. On her death, the property reverts to the heirs of the father, because under clause 17, the property of the son's wife reverts to the heirs of the father; the husband does not get anything. Thus the brother remains poor and has no opportunity to augment his share and his property of Rs. 1,500 remains a fixed one.

Shrimati Renu Chakravartty: Only if she has no children.

Shri Rane: If there are children, the father will get only a fraction; he does not get everything.

Much has been made of equality of shares. If we calculate mathematically, the share of the daughter has some capacity to be augmented by the unfortunate incident. I have mentioned. When the question of property comes, all those things must be taken into consideration. That is why I have moved this amendment ; and for all these reasons, I commend my amendment to the acceptance of this House.

Mr. Speaker : Amendments moved :

(i) Page 6—

for lines 10 and 11, *substitute* :

"*Rule* 2.—Each surviving son of the intestate shall take one share."

(ii) Page 6,—

after line 24, *add*:—

Rule 5.—The surviving daughter of the intestate shall take half a share."

Rule 6.—The surviving mother and father together or if only one of the two is surviving, the surviving mother or father shall take one share".

Shrimati Sushama Sen : Mr. Speaker, I oppose this amendment, because by accepting the Government's amendment to clause 6, the share of the daughter has been reduced. If we accept this amendment of Mr. Rane, it will reduce the share of the daughter still further. All of us have stood for equal shares for the son and daughter and that has to be adhered to. So, I oppose this amendment.

Mr. Speaker : The hon. Member has not said anything about the share to be given to the father and mother.

Shrimati Sushama Sen : As far as the father and mother are concerned, I want that they should be placed in Class I.

Mr. Speaker : So, the hon. Member accepts Mr. Rane's amendment so far as the father and mother are concerned.

Shrimati Sushama Sen : Yes, Sir.

Shrimati Renu Chakravartty : Regarding father and mother, my own personal opinion is that I have no objection to their being placed in Class I. I am not quite clear; but, I remember that there was a lot of discussion about it in the Joint Select Committee also.

Shri S. S. More : The Joint Committee recommended the inclusion of mother in Class I.

Shrimati Renu Chakravartty : Yes, I remember definitely that many of us were in favour of placing the mother in Class I and the Joint Committee agreed to it. But the Rajya Sabha did not agree to it. I personally think that it would be quite fair to include the father and mother in Class I.

As regards the half share proposed by Shri Rane, I very strongly oppose it. He has mentioned about the Rau Committee. One cannot take a particular recommendation of that committee and refuse certain other portions of it. At the time when the recommendations of the Rau Committee were before the country, I know that many women's organisations definitely demanded an equal share. But, finally, the opposition was much greater and we accepted a compromise that half share would be given to the daughter just as we accepted the compromise yesterday, though it was very bad. If the whole of the Rau Committee's recommendations were accepted and if Mitakshara coparcenary is ended and after that if half share is given to the daughter, in most cases the daughter would get a bigger amount than what she would get under the Mitakshara coparcenary. That is my personal opinion. Therefore, there is no use coming forward and saying that these were the recommendations of the Rau Committee and so we should accept them, without saying what the total effect would be if all the recommendations are accepted.

As far as Mitakshara system is concerned, I stick to the position I took yesterday that Mitakshara daughters are going to get a very very small fraction, and, I repeat the word, it is almost a fraud upon the Mitakshara daughters. As far as the Dayabhaga daughters are concerned, they will substantially benefit by this, if equal share is given. Now, our brothers come forward and say, "equal share will not be given; it should be reduced to half share". I say that this is totally unwarranted. There is no use arguing that she may inherit as daughter and again as widow and so on. We cannot help that. In many cases, she may not inherit anything as a widow. In certain cases, she may inherit as widow, but she may not inherit anything as daughter. These various permutations and combinations will be there. My hon. friends do not seem to realise that in any case, the woman in our country today has not got as yet the ability to earn. She does not have the opportunities open to man. Therefore, to say that there is scope for augmentation of her property is a fallacious argument.

Another argument brought forward is that as far as the father's property is concerned, by intestate succession, the property will be equally divided among the undivided sons and daughters. But, the actual total amount which the son will inherit from the ancestral property plus the intestate property of the father will be substantially more than what the daughter will get.

I feel that from all points of view, there is absolutely no justification in saying that the daughter should get half the share of the son. Therefore, I am totally opposed to Mr. Rane's amendment, which seeks to reduce the daughter's share.

Mr. Speaker: I want to make one suggestion. Amongst the amendments to clause 10, there are various subjects. We are at present dealing with the shares to be given to the father and mother and also the daughter. I may dispose of all the amendments to clause 10 dealing with this subject. I am looking into the list of amendments. Mr. Altekar and Mr. Joshi have given amendments. Mr. Joshi's amendment says that an unmarried daughter succeeding along with a male heir shall get a limited estate known to Hindu Law etc. I will give an opportunity to each hon. Member to discuss his amendments.

Shrimati Renu Chakravartty: They may move their amendments first.

Mr. Speaker: I will dispose of all the amendments dealing with the shares to be given to the father, mother and daughter. So far as Mr. V. G. Deshpande's amendment is concerned, I think it deals with a different matter.

Shri V. G. Deshpande: Rules 2 and 6 of my amendment No. 106 deal with this subject.

Mr. Speaker: Rule 2 reads:

"The intestate's widow, or if there are more widows than one...." etc.

That portion of his amendment is moved. Rule 6 says:

Then, each surviving unmarried daughter who is neither a widow nor a divorcee of the intestate shall take a one-fourth share. This is amendment No. 171—Rule 6.

Shri Bogawat is not here. Then, Shri Joshi.

Shri Altekar: He has amendments along with me.

Mr. Speaker: Independently, he is not here.

श्री बी० पी० सिंह (मुंगेर सदर व जमुई) मेरे संशोधन है नम्बर ११, १२, १३, १४, १६, और ११२। इनका भाव यह है कि लड़की को लड़के से आधा शेअर मिले।

Mr. Speaker: I will give him an opportunity to speak. Shri H. G. Vaishnav: he is not here. Amendment No. 70 is gone.

Shri Altekar: I move amendments 107 to 110. My difficulty in this connection is....

Mr. Speaker: I will give him a chance. Shri Bogawat is not here. Shri H. G. Vaishnav is not here; amendment No. 73 also goes. Pandit K. C. Sharma is not here. Shri H. G. Vaishnav and Shri Bogawat are not here. Shri Rane: he has already moved. Then, Shri Joshi's amendment that the daughters will in any case get a half share in preference to sons; he is not here. Then, Shri Altekar's amendment regarding limited estate. We will come to property under clause 16. These are the amendments: 11, 12, 13, 14, 15, 16, 106, 107—111, 112, 171 of which Nos. 10 and 15 have already been moved by Shri Rane.

Shri B. P. Sinha: I beg to move:

1 Page 6—

line 10—

omit "and daughters" and

(ii) *after* line 11 *insert*:

"Rule 2A.—The surviving daughters of the intestate shall each take half-share".

(2) Page 6, line 18—

after "one share" *add*—

"and half share respectively."

(3) (i) Page 6, line 18,—

after "(or widows together) *insert*—shall take one share"

(ii) line 19—

for "equal portions" *substitute*—"one portion and half portion respectively".

[Shri B. P. Sinha]

(4) Page 6, line 24—

for "equal portions" *substitute* "one portion and half portion respectively".

(5) Page 6—

after line 24, *add* :

"*Explanation.*—Daughters in any case will get only half share in preference to sons while widow or widows one share equal to her sons. As the daughter will also get her share in her husband's property, the cost of marriage will be met from her share."

Shri V. G. Deshpande: I beg to move :

Page 6—

for lines 8 to 24, *substitute* :

"Rule 1.—The surviving undivided sons and remoter agnatic male descendants upto the fourth degree shall take the property of the intestate by survivorship to the exclusion of all other heirs. This rule shall not apply to Hindus governed by the Dayabhaga system of law.

Rule 2.—The intestate's widow, or if there are more widows than one, all widows together, shall take one share.

Rule 3.—The surviving divided sons of a Hindu governed by the Mitakshara system, or the surviving sons, divided or undivided, of a Hindu governed by the Dayabhaga system, shall each take one share.

Rule 4.—The heirs in the branch of each predeceased son of the intestate shall take between them one share.

Rule 5.—The distribution of the share referred to in Rule 4 among the heirs in the branch of the predeceased son shall be so made that his widow (or widows together) and the surviving sons get equal portions; and the branch of his predeceased son gets the same portion.

Rule 6.—Each surviving unmarried daughter (who is neither a widow nor a divorcee) of the intestate shall take a one-fourth share."

Shri Altekar: I beg to move :

(i) Page 6, line 10—

for "daughters" *substitute* :

"unmarried daughters".

(ii) Page 6, line 13—

omit "or each predeceased daughter".

(iii) Page 6, line 19—

for "daughters" *substitute*:

"unmarried daughters"

(iv) Page 6—

omit lines 22 to 24.

(v) Page 6—

after line 24, *add* :

"Rule 5.—An unmarried daughter succeeding along with a male heir shall get a limited estate known to Hindu Law, and it will revert to the male heir or his heirs on her marriage."

Shri B. P. Sinha: I beg to move :

Page 6—

after line 24 *insert* :—

"10A. The widow or (widows) shall not have the right to dispose of her property as the property will go to her male issues after her death. She can sell the property only if the property is not sufficient for her maintenance. The sale of property will take place with the consent of the District Judge and preferably to her male issues (sons), if they so desire."

Shri V. G. Deshpande: I beg to move :

Page 6—

for lines 8 to 24, *substitute* :—

"Rule 1.—The surviving undivided sons and remoter agnatic male descendants upto the fourth degree shall take the property of the intestate by survivorship to the exclusion of all other heirs. This rule shall not apply to Hindus governed by the Dayabhaga system of law.

Rule 2.—The intestate's widow, or if there are more widows than one, all widows together shall take one share.

Rule 3.—The surviving divided sons of a Hindu governed by the Mitakshara system, or the surviving sons, divided or undivided, of a Hindu governed by the Dayabhaga system, shall each take one share.

Rule 4.—The heirs in the branch of each predeceased son of the intestate shall take between them one share.

Rule 5.—The distribution of the share referred to in Rule 4 among the heirs in the branch of the predeceased son shall be so made that his widow (or widows together) and the surviving sons get equal portions, and the branch of his predeceased son gets the same portion.

Rule 6.—Each surving unmarried daughter (who is neither a widow nor a divorcee) of the intestate shall take a one-fourth share."

Mr. Speaker: All these amendments are now before the House.

Pandit Thakur Das Bhargava: There are similar amendments to the Schedule on these particular points: substitute for daughter, unmarried daughter, etc. What happens to these amendments? Numbers 43 to 51 may be included.

Mr. Speaker: If there is any different category, I will put it.

Pandit Thakur Das Bhargava: The category is not different. The amendments say, in the place of the daughter substitute unmarried daughter, etc. There is no difference. Similarly, there are amendments of my friends here.

Mr. Speaker: If we decide upon them, they will be carried over to the Schedule.

Pandit Thakur Das Bhargava: They will be ultimately decided at the time of the Schedule.

Mr. Speaker: We agree to get along with clauses 10 to 14 and the schedule together.

Pandit Thakur Das Bhargava: Then, they will be ultimately decided when the Schedule is decided.

Shri Altekar: Then, I should like to move these amendments and speak at the time of the consideration of the Schedule. If I discuss these things here at this stage, they relate to the schedule. In the Schedule there is simultaneousness. I want that the daughter that has to come here should be the unmarried daughter.

Mr. Speaker: If they want to say that the daughter will have a half share, they must say here. Everything in regard to shares comes under clause 10. There is no use of reserving it for the Schedule.

Shri Altekar: The voting may be postponed.

Mr. Speaker: No. All these, half share, etc., cannot be kept hanging in the air.

Shri Altekar: The classification of daughter, married or unmarried, may be taken at the time of the Schedule.

Mr. Speaker: No. Even that, married or unmarried, widow, etc., shall be disposed of now.

Shri Altekar: Then, I shall speak now. My submision is this. In the Schedule of simultaneous heirs who should succeed, it should be only the unmarried daughter and that the daughter's daughter and daughter's son, who are coming there as heirs of the predeceased daughter should not find a place there. Even also the long list, daughter of a predeceased son, and so on. Why I say this is simple. As a matter of fact, when a property is being divided, the shares should go to those who will be the nearest heirs. In the case of a family where there is a son, there is an unmarried daughter, there is a married daughter and there is a married daughter who is dead, who has got sons and daughters, what will happen is this. In the case of the married daughter, expenses have been made, she has gone to her husband's house and settled there and she is provided. In the case of the daughter's sons and daughters, they also are in their father's family and they are provided for. Sums have been spent on the marriage of their mother who is the deceased's daughter. If the father dies and the daughter's son and daughter's daughter come in, to share along with the son, the son or son's son and the unmarried daughter in the family of the deceased would get a smaller share. In this case, if there is an unmarried daughter, two sons and two married daughters, one dead and one alive, the position would be, each would get one fifth. The unmarried daughter will have one-fifth share for her marriage. The son, for his education will also get one-fifth share. The two married daughters who are already

[Shri Altekar]

provided for and whose marriage expenses have been met, have been provided in the husband's families and in spite of that each will be taking one-fifth share in addition.

2 P.M.

The daughter's son and the daughter's daughter will be cared for by their father in their own family, and nothing has to be done so far as expenses on the daughter are concerned because they have all been met already. According to the present provision, the two sons will be getting one-fifth each and the unmarried daughter will also be getting one-fifth. Thus, the whole resources for the provision of marriage, education etc., will be only one-fifth. As against this provision of the two sons and the unmarried daughter, the married daughter has the advantage that expenses on her marriage have already been incurred, and in the case of the daughter's son and daughter's daughter they have the advantage of being looked after by their father in their own family. The situation would be while the two sons and the unmarried daughter will have only the limited resources of the family of their father, the married daughter and the sons and daughters of the predeceased daughter who have got their own resources in their own family will again come to take an equal share with the son and the unmarried daughter. Thus, you will be putting a great handicap upon the son and the unmarried daughter. This is an inequality which we are perpetrating and therefore my submission is that it is desirable that we should take out of the Schedule the son and daughter of a predeceased daughter and also the married daughter, and we should only keep the unmarried daughter.

[MR. DEPUTY-SPEAKER *in the Chair*]

It is said that the son also will be married and that his wife will bring an estate from her father's family. I would like to point out that whatever estate is there in the father's family, is an estate which can be equally divided between the sons and daughters, but if the wife brings an estate from her father's family to the family of the husband, it cannot be pooled in the resources of the father-in-law's family. It becomes her separate estate. Even the husband will not be in a position to take it during the life-time of his wife. If she dies issueless, he is not an heir to that property. According to clause 17(2)(a) if the wife dies without any issue, the husband is not to succeed to her estate and the estate reverts back to the family of her father. Under the circumstances, what comes with the wife from her father's family does not become the estate of the husband's family.

I have already explained why we should take away from the Schedule the daughter and the sons and daughters of a predeceased daughter and keep only the unmarried daughter. For this purpose in my amendments I have proposed that "unmarried daughter" should be substituted for "daughter" and also deletion of the words "or each predeceased daughter". My suggestion is that the unmarried daughter should succeed only as a limited owner and for this purpose Rule 5 has to be added, which I have given in my amendment No. 111 :

> "*Rule 5.*—An unmarried daughter succeeding along with a male heir shall get a limited estate known to Hindu Law, and it will revert to the male heir or his heirs on her marriage."

She will be entitled to the estate up to her marriage and after her marriage it will revert back to the father's family. Only in this way we will be doing justice to the sons and unmarried daughters. Otherwise, the sons would be put under a great handicap and the married daughters will be sharers in both the families without any corresponding benefit to the husband or her brother.

The Minister of Defence Organisation (Shri Tyagi) : An unmarried girl can sell away her share before her marriage.

Shri Altekar : She cannot sell because she is to succeed to the father and that succession will only open after the death of the father. The marriage of the daughter will usually take place before she is 18. Under the circumstances, there will not be a case arising where she will be selling her property and going away. If such cases arise, I would not like to put any handicap in the way. A girl selling her property and getting married after 18 will be a rare case.

Shri Tyagi : She will be the luckiest.

Shri Altekar : For all these things we need not provide.

We should put in the Schedule only the unmarried daughter and take away the son and daughter of a predeceased daughter. Otherwise, as I

have already pointed out, it will be doing a great injustice to the son and also the unmarried daughter.

श्री बी० पी० सिंह: उपाध्यक्ष महोदय मैंने सदन के सामने ११, १२, १३, १४, १६ और ११२ नम्बर के संशोधन रक्खे हैं। अपने १६ नम्बर के संशोधन द्वारा मैंने यह चाहा है। Daughters in any case will get only half share in preference to sons while widow or widows one share equal to her sons. स्त्रियों को सम्पत्ति में अधिकार दिलाये जाने के सम्बन्ध में हमारी तो अपनी यह धारणा थी कि स्त्रियों को उनके पतियों की सम्पत्ति में अधिकार दिलाये जाने की व्यवस्था की जाती लेकिन इसके विरोध में यह तर्क दिया गया कि यह स्त्रियों के समानाधिकार में बाधक होगा। मैं इसको समझ नहीं सका कि यह किस तरह से समानाधिकार में बाधक होगा। यह कहा जाता है कि जब धारा ६ में संशोधन होगया तो पिता की जो निजी सम्पत्ति है उसी में लड़कियों का अधिकार होगा। मैं समझता हूं कि धारा ३२ और इस धारा के दोनों अर्थ हो सकते हैं। इस धारा का अर्थ यह भी हो सकता है कि पिता चाहे तो अपनी सारी सम्पति लडकों को ही दे या पिता चाहे तो अपनी सारी सम्पत्ति या सम्पत्ति का बहुत बडा भाग लडकियों को दे दे यह पिता की भावना पर निर्भर करेगा।

श्री आलतेकर का यह कहना कि जो लड़की अविवाहित है उसका पुरा हिस्सा होना चाहिये और जब लडकी का विवाह हो जाय तो उसका हिस्सा आधा होना चाहिये और इसकी सुनकर ऐसा मालूम होता है की मानो प्रेम का अभाव हो और स्पष्ट है कि जहां पर प्रेम का अभाव होगा वहां पर इस तरह की लेन देन की बात चलती है और आप यहां पर यह देख रहे हैं कि हमारी जितनी बातें हो रही हैं वह सारी लेन देन की बातें हो रही है और प्रेम का बिल्कुल अभाव सा मालूम पड़ता है और इसलिये मेरा अपना यह ख्याल है की जो मैंने संशोधन रक्खा है और जिसका कि भाव मैंने अभी पढ कर बताया उस को मंजूर कर लेने में हमारे विधिकाय मंत्री महोदय की कोइ दिक्कत नही होगी।

इसके अलावा मैं यह कहना चाहता हूं कि जो मेरा संशोधन नं० ११२ पर है उसको देखिये। वह इस प्रकार है :

Page 6,—*after* line 24 *insert:*

"10A.. The widow (or widows) shall not have the right to dispose of her property as the property will go to her male issues after her death. She can sell the property only if the property is not sufficient for her maintenance. The sale of property will take place with the consent of the District Judge and preferably to her male issues (sons), if they so desire."

ऐसा देखा जाता है कि जब कभी स्त्रियों के पास सम्पत्ति होती है तो मां साधारणतया दूसरे के हाथ तभी बेचती है जब कि उसके सन्तानों को सुख होता है। इसलिये हम को बराबर इस बात का खयाल रखना होगा कि विधवा की जो सम्पत्ति हो उसकी बिक्री न हो सके। और यदि उसकी बिक्री होनी ही हो तो वह उसी स्थिति में हो जब कि उसको विधवा के मेन्टेनेन्स (जीवन निर्वाह) के लिये काफी न समझा जाय और उसको डिस्ट्रिक्ट जज की सहमति से इस तरह से बेचा जाय कि वह सम्पत्ति पहले विधवा के लडकों को ही मिले। यदि वह लेने को तैयार न हो तभी वह दूसरे को मिल सके। ऐसा होने से जो फ्रेंगमेन्टेशन आफ लैंड होल्डिंग्ज (भूमि के टुकड़े होना) की बात कही जाती है वह भी रुक जायेगी क्योंकि यथासम्भव सम्पत्ति परिवार में ही रहेगी।

मैं समझता हूं कि मेरा संशोधन बिल्कुल निर्दोष संशोधन है और माननीय मंत्री को उसे स्वीकार कर लेने में कोई ऐतराज नहीं होना चाहिये।

श्री बी० जी० देशपांडे : उपाध्यक्ष महोदय मेरा संशोधन इस प्रकार है :

"Each surviving unmarried daughter (who is neither a widow nor a divorcee) of the intestate shall take a one-fourth share."

यह संशोधन लड़की के भाग को कम करने के लिये नहीं रक्खा गया है। मेरी कभी भी इस प्रकार की भावना नहीं है। हम तो लड़की को भाग देने के पक्ष में हैं। पहले भी हम लड़की को भाग देन के विरोध में नहीं थे, उल्टे हम लड़की को ज्यादा देने के पक्ष में थे और इसी प्रकार की हमारी परम्परा सदा से रही है। जब आज इस प्रकार का बिल पास हो रहा है और लड़की को देना ही है तो मैं यह कलह नहीं करना चाहता कि कम दो या ज्यादा दो। परन्तु जब मैंने शास्त्र मर्यादा के अनुसार देखना शुरू किया तो मेरे मित्रोंने बताया कि यदि इस प्रकार क कोई

[श्री वी० जी० देशपांडे]

विषय आता है तो क्या किया जाय। यह ठीक है कि जब कोई पुरुष मरता है तो उसके पुत्र भी हैं और कन्यायें भी हैं। ऐसी परिस्थिति में यदि स्थिति यह आ जाय कि भाई लोग लड़की की तरफ ध्यान न देते हों तो उसके लिये भी मनु ने आज्ञा दी है कि :

स्वेभ्यो शेभ्यस्तु कन्याभ्य : प्रदद्युर्भ्रतिर पृथक्।

स्वात्स्वादंशाच्चतुर्भोगं पतिता : स्युरदित्सव:।

लड़का अलग हो जाता है तो लड़की क्या करे? उसका विवाह होना है, विवाह कैसे हो? यह ठीक बात है कि पिता जो है वह लड़की के कुमारी रहते हुए उसकी रक्षा करता है, पति युवावस्था में करता है और पुत्र वृद्धावस्था में करता है। परन्तु पिता तो मर गया और भाई अलग हो गये हैं। ऐसी स्थिति में कन्या का क्या हो? उस कन्या के लिये मनु ने कहा है कि इस प्रकार का प्रबन्ध हो कि उसको सम्पत्ति का एक चतुर्थांश मिले। तो मनु तो उसको एक चतुर्थांश देना चाहते हैं, अब यदि यह सदन चाहता है कि एक चतुर्थांश का आधा हो जाय या आधे के स्थान पर समान भी हो जाय, या अधिक भी हो जाय तो भी उसके लिये मेरा विरोध नहीं है। यदि आवश्यकता के कारण पिता की सम्पत्ति में कन्या को भाग देना ही है तो थोड़ी दृढ़ता दिखाने के भी मैं विरोध में नहीं हूं। परन्तु जो विवाहित कन्या है, जो कि दूसरे के घर में गई है, जिसकी रक्षा का भार दूसरे लोगों ने ले लिया है, उस को केवल सम्पत्ति दिलाने के शौक के कारण यदि यह चीजें हो रही हैं और सम्पत्ति का बटवारा हो रहा है तो म इसको इस दृष्टि से नहीं देखता। एक सामाजिक इच्छा की दृष्टि से कि सम्पत्ति का वितरण होना चाहिये, मैं इसको नहीं देखता हूं और न मैं इसको सामाजिक समझता हूं। सामाजिक न्याय केवल पुरुषको न मिले स्त्री को भी मिलना चाहिये, दूसरे को मिलना चाहिये, चौथे को भी मिलना चाहिये इस प्रकार से सामाजिक न्याय नहीं हुआ करता हैं इसी को देखते हुए मैंने अपना संशोधन दिया है जिसका तत्व यह है कि जो अविवाहित कन्या है उसका यदि भाई अलग हो जाता है, वह अपनी भगिनी के प्रति जो उत्तरदायित्व उसका है उसको नहीं निभाता है और ,पता मर गया है, तो पिता के मरने के पश्चात् अविवाहित कन्या को सम्पत्ति में अधिकार दिया जाय। मैंने इस देश में ऐसा विधान देखा भी है। मैंनें अपने मित्रों को बताया भी, लेकिन उसको उन्होंनें विश्वास करने के योग्य नहीं समझा। गोआ में इस प्रकार का विधान है कि यदि पिता मर जाता है और कन्या अविवाहित है तो उसको समान अधिकार मिलता है कोपार्सनरी (समांशिता) में। परन्तु नियम ऐसा है कि उसका विवाह होने के पश्चात् उसको ५००० रुपये या जो सम्पत्ति उसकी है उसका एक तिहाई, which ever is less (जो भी कम हो) का हक उसको दिया जाता है। विवाह के पूर्व जो अधिकार उसको होता हैं उतना विवाह के पश्चात् नहीं रह जाता है। इस प्रकार का विधान वहां पर है। इसलिये मैं केवल समानता के दृष्टिकोण से ही इस प्रश्न को नहीं देखता हूं। हां, मेरी वृत्ति इस तरफ जरूर देखती है कि लड़की को कोई कष्ट न हो। जिस प्रकार से इस कानन के बनाने वाले कहते हैं कि इस कानून के बनने के पश्चात् न्याय की विजय होने वाली है और चूंकि प्रत्येक आदमी अपनी ही तरफ देखेगा, अपनी बहन की तरफ नही देखेगा इसलियें बहन को अधिकार देना चाहिये, मैं भी उसको मानता हूं, लेकिन उसी समय तक जब तक कि कन्या का विवाह न हुआ हो। इसी दृष्टि से शास्त्रों में भी कन्या को जायदाद में चौथा हिस्सा देने की बात कही गई है। आप उसको पूरा भी दें तो मुझे विरोध नहीं है। परन्तु कन्या को पति की सम्पत्ति में अधिकार देना ज्यादा अच्छा होगा और न्याय होगा।

पंडित सी० एन० मालवीय : उपाध्यक्ष महोदय, मैं सिर्फ यह समझना चाहता था कि पहला सवाल कि इस विधेयक के पहले शेडयूल (अनुसूची) में मां बाप को .....

Shri C. R. Chowdary: The hon. Member Pandit C. N. Malviya may be asked to speak in English.

Mr. Deputy-Speaker: I cannot compel the hon. Member to speak in English. The hon. Member Shri C. R. Chowdary has expressed his desire, and it is for Pandit C. N. Malviya to speak in whatever language he likes.

Shri C. R. Chowdary: We also want to follow his speech.

Mr. Deputy-Speaker: I cannot debar the hon. Member from speaking in Hindi. It is for the hon. Member to choose whichever language he likes.

Shri S. V. L. Narasimham: We are making a request through you to the hon. Member.

Mr. Deputy-Speaker: I can pass it on to the hon. Member Pandit C. N. Malviya, and he may continue in whatever language he wants.

Pandit C. N. Malviya: I would request my hon. friends to excuse me in this respect. This is a very complicated matter, and I feel I may not be able to express myself so well in English.

तो यह जो सवाल है कि मां बाप को भी पहले शेड्यूल में हम शामिल कर लें, उसमें हो सकता है कि हम भावना की दृष्टि से यह सोचें कि पुत्र के मरने के बाद माता पिता का क्या होगा, लेकिन अब दो तरह के खान्दान होंगे । एक तो कोपार्सनरी (समांशी) के खानदान होंगे और दूसरे ऐसे कि जिनमें माता पिता और पुत्र अलग हो गये हैं । अब, अगर वह सब शामिल हैं तो माता पिता के जिन्दा रहते हुए जायदाद के बटवारे का सवाल पैदा ही नहीं होता और अगर उनके जिन्दा रहते हुए भी बटवारे का सवाल पैदा हो गया और बटवारा ही गया तो पिता के पहले मरने पर माता को जायदाद में हिस्सा मिल ही जायेगा । तो इस तरह से हर हालत में माता को तो हिस्सा मिल ही जायेगा, लेकिन अगर लड़के के मरने के पश्चात् उसके मां बाप को शामिल किया जाता है तो जो उस लड़के या लड़की को पहले से हिस्सा नहीं मिलेगा क्योंकि उसको तो हिस्सा मिलने वाला है अपने पिता की सम्पत्ति में अब चूंकि माता पिता का अधिकार सम्पत्ति के ऊपर है इसलिये बटवारा होने पर लड़के को तो सम्पत्ति का अधिकार मिल जायेगा, पर लड़की को नहीं मिलेगा । इस लिये अगर किसी सम्पत्ति के बटवारे में सब से पहला हक किसी को होना चाहिये तो वह उनको होना चाहिये जिनको सम्पत्ति में पहले से कोई हक नहीं मिला है । अगर इस सवाल को इस दृष्टि से देखा जाय तो माता पिता का नम्बर उसके बाद आता है जब कि पहले जो मरा है उसके बच्चे और बच्चियों को उसकी सम्पत्ति का अधिकार मिल जाय । इस कारण माता और पिता को दूसरी लिस्ट (सूची) में रखना ज्यादा मुनासिब होगा, पहली में नहीं, जहां तक कि सम्पत्ति के बटवारे का सवाल है । लेकिन अगर पिता, माता और पुत्र में स्नेह का सम्बन्ध हैं तो वहां सम्पत्ति का कोई सवाल ही नहीं उठता । बटवारा हो गया, वह अलग हो गये, उसके बाद पिता का सारा धन खर्च हो गया, तो भी पुत्र पर यह निर्भर करेगा कि जब मां बाप जिन्दा हैं तो वह उनकी परवरिश करे या करे । तो सवाल यह नहीं है कि चूंकि सम्पत्ति में हिस्सा मिलगा इसलिय वह उनका ध्यान रक्खेगा वर्ना नहीं रक्खगा । यह सवाल तो बिल्कुल अलग है ।

इसलिये अगर इस तस्वीर को सामने रखते हुए हम देखें तो हमारी समझ में नहीं आता है कि सम्पत्ति के बटवारे के लिय उन लोगों को जिनको पहले से सम्पत्ति में हिस्सा मिला हुआ है, एक साथ रहने दिया जाय । एक साथ उन लोगों को रक्खा जाय जिनको अभी तक सम्पत्ति का कोई भी हिस्सा नहीं मिला है । ये सवाल बिल्कुल अलग अलग हैं । इस वास्ते पहला शेड्यूल वही है कि जिसमें अभी तक किसी को कोई हिस्सा नहीं मिला है । इनका नम्बर पहला है । इनको पहला हिस्सा मिलना चाहिए । इसके बाद वे लोग आयेंगे जिनको कि पहले हिस्सा मिल चुका है लेकिन जो फिर भी दोबारा हिस्सेदार होना चाहते हैं । इनको नम्बर २ पर आना चाहिये । इसलिये मेरा ख्याल है कि राज्य सभा में जब इस चीज पर विचार हो रहा था और अभी राने साहब ने जो पुराने इतिहास को दोहराया और उसमें जब बाद में संशोधन हुआ उस वक्त शायद वह इन्हीं विचारों के कारण हुआ है और इन्हीं विचारों न खास तौर से उन पर प्रभाव डाला है । इसी वजह से माता और पिता को नम्बर २ में रखा गया है ।

दूसरा सवाल लड़की के हिस्से के सिलसिले में है । मेरा खयाल है कि इस बात को मान लिया गया है कि हमारे समाज में अभी तक कोई तबदीली नहीं हुई है और अभी भी हम १,६०० वर्ष पहले जिस स्थिति में रहते थे उसी स्थिति में रह रहे हैं लेकिन मैं, डिप्टी स्पीकर साहब आपकी मार्फत मैम्बर साहिबान से अर्ज करता हूं कि आज एक सवाल तो यह है कि लड़की की शादी होना जरूरी नहीं है । ऐसी स्थिति आ सकती है और ऐसे केसेस (मामले) बढ़ रहे हैं कि जहां पर शादी हो यह आप मान नहीं सकते । दूसरी बात यह है कि शादी होने के बाद एक कुटुम्ब यह मानता है कि सम्पत्ति उसके कुटुम्ब से बाहर जायेगी । लेकिन जब उसके दिल में ऐसा ख्याल पैदा होता है तो उस वक्त इस चीज को नजरअंदाज कर दिया जाता है कि उसी खानदान में दूसरी लड़कियां भी आयेंगी जिनको कि उनके अपने खानदान में हिस्सा मिल चुका होगा । इस तरह से पहले खानदान की सम्पत्ति दूसरे खानदान

[पंडित सी० एन० मालवीय]

में और किसी दूसरे खानदान की पहले खानदान में सम्पत्ति जायेगी । इस तरह से अगर आप इस चीज को तराजू लेकर तौलें तो बराबर ही हो जायेगा । यह इम्प्रेक्टिकेबल (अव्यवहार्य) होगा एसा नहीं कहा जा सकता है । कहीं पर ज्यादा हो सकता है और कहीं पर कम हो सकता है । मिताक्षरा के अलावा दूसरे खानदान भी हैं जैसा कि अभी कहा गया है और उसमें कोई गड़बड़ी पैदा नहीं हुई है । तो मेरी समझ में नहीं आता है कि हम जब तक तो लड़की की जिन्दगी है, उसको हिस्सा देने के लिये तैयार हैं लेकिन जब वह मर जाती है तो उसके लड़के और लड़की को हिस्सा देने के लिये तैयार नहीं हैं । क्या उस वक्त हमारी मुहब्बत खत्म हो जाती है ? उस वक्त मुहब्बत के बजाय क्या नफरत पैदा हो जाती है ? क्यों उसके लड़कों तथा लड़कियों को हिस्सा नहीं दिया जाता है यह मेरी समझ में नहीं आता है ? जो दलील इसके बारे में दी गई है वह तो मेरी समझ में नहीं आई है । इस वास्ते में इस भवन से प्रार्थना करता हूं कि इस पर वह जरा ठंडे दिल से गौर करे । अगर आप एक बार इस बात का फैसला कर लेते हैं कि आपको उसे हिस्सा देना है तो आप क्यों इसमें आना कानी करते हैं, क्यों कोई अड़चनें पैदा करते ह । इसका प्रेम और मुहब्बत से कोई ताल्लक नहीं है, वह एक अलहदा चीज है जैसे कि मेरी बहन बोरकर ने कहा था, बहन भाई और बाप बेटे की मुहब्बत का रिश्ता पैसे की वजह से ही नहीं है । अगर वे आपस में पैसे की खातिर ही मुहब्बत करते हैं और ऐसी मुहब्बत को जो कल खत्म होना है अगर वह आज खत्म हो जाये तो ज्यादा अच्छा है । पैसे को छोड़कर भाई और बहन का तथा मां बाप और बेटे का भी कोई और भी रिश्ता है इसे हमें नहीं भूलना चाहिये । उनका आपस में खून का रिश्ता है जो टूट नहीं सकता । इसके साथ ही साथ हम यह मानते हैं कि ज्वायंट फैमिलीज (संयुक्त परिवारों) का, जो मिले जुले खानदान हैं वे आज खत्म से हो रहे हैं और इनके केसेस चाहे आपको गांवों में दूर दराज मिलें लेकिन शहरों में तो यह चीज बहुत ज्यादा है । आज आपके समाज का ढांचा बदल चुका है । आज आप एक खानदान में कितने मैम्बर्स (सदस्यों) को शामिल करते हैं । आप ही की रिपोर्टों में यह दर्ज है कि आम तौर में एक खानदान में पांच मेंम्बर होते हैं और उन मेम्बरों में एक पुरुष, एक स्त्री और उनके बच्चे आते ह । आप एक खानदान में मां बाप को ज्यादा तर शामिल नहीं करते । अगर आज आप मिताक्षरा खानदान को एक हजार साल पहले जो स्थिति थी उसके मुकाबले में देखें और आज जो समस्यायें हैं उनको ध्यान में रख कर देखें तो आपको यह मालूम होगा कि आज संस्कृति या धर्म का कोई सवाल नहीं है । यह दोनों इससे बिल्कुल अलग चीजें है । इस वास्ते अगर आप लड़कियों को बराबर मानते हैं उनके हक को बराबर बराबर मानते हैं, उनको पुरुषों से हेय नहीं मानते तो फिर आप उनके साथ क्यों किसी तरह का भी अन्याय करते हैं । जब आप यह मान लेते हैं कि पुरुष और स्त्री यह दो चीजें बनाई गई हैं तो आपको यह भी मानना पड़ेगा कि इन दोनों को मिला कर ही संसार बनता है । ये दोनों एक से ही हैं, दोनों बराबर हैं ये दोनों एक गाड़ी के दो पहिये हैं और एक के बिना दूसरा नहीं चल सकता । इन दोनों को साथ साथ ही चलना है । जब ऐसी बात है तो मैं पूछता हूं कि आज क्या हो गया है कि आज जब इन लड़कियों का नाम आ जाता है तो उसके साथ सम्पत्ति को भी जोड़ दिया जाता है । क्या वजह है कि जो भी मुहब्बत की बात की जाती है उसके साथ सम्पत्ति को भी जोड़ दिया जाता है जैसे कि बगैर सम्पत्ति के मुहब्बत पैदा ही नहीं हो सकती या कायम ही नहीं रह सकती । आज तक हम ने इनको इनके अधिकारों से महरूम रक्खा है, आज तक इनको कष्ट सहन करने पड़े हैं । अगर आज इनको कुछ ज्यादा रुपया १००, २०० या १,००० या एकड़ या दो एकड़ ज्यादा जमीन मिल जाती है तो कौन सा पहाड़ टूट पड़ेगा । किस तरह से संस्कृति की हत्या हो जायगी । अगर हम मानते हैं कि माताओं ने और बहनों ने हमारी संस्कृति की रक्षा की है तो अगर उनको कुछ ज्यादा हिस्सा भी मिल जाता है तो कोई परवा की बात नहीं है । जो दलीलें इसके खिलाफ दी जाती हैं वे मेरी समझ में तो नहीं आई हो सकता है कि मेरी अक्ल मोटी हो । लेकिन मैं किसी भी सूरत में एक बहन को एक भाई के मुकाबले में किसी भी तरह से छोटे दर्जे में रखने के हक में नहीं हूं और खास तौर से सम्पत्ति के मामले में तो मैं कभी भी इस प्रोपोजीशन (प्रस्थापना) से एग्री (सहमत) नहीं कर सकता । मैं यह चाहता हूं कि माता पिता को बिल्कुल दूसरे नम्बर पर आना चाहिये । पहले नम्बर में इन्हें पहले शेड्यूल में नहीं आना चाहिये । पहले नम्बर पर जिस तरह से भी आपने शेड्यूल में रक्खा है और जिस हद तक भी आपने रक्खा है उस हद तक आपको इन्हें रहने देना चाहिये । और मेहरबानी करके उसमें कोई तबदीली न

कीजिये । आप जब तक लड़की जिन्दा रहती है उस वक्त तक तो उसको अधिकार देते हैं लेकिन जब वह मर जाती है तो उसके लड़कों और लड़कियों को कोई अधिकार नहीं देना चाहते, इसे मैं गलत मानता हूं । इसी तरह से अगर एक खानदान में से दूसरे खानदान में अगर कुछ पैसा जाता है तो किसी दूसरे खानदान में से उस खानदान में पैसा आ भी सकता है ।

इस वास्ते जितने भी संशोधन पेश किये गये ह उनका मैं विरोध करता हूं । शैड्यूल जिस तरह से बना हैं मैं चाहता हूं कि यह उसी तरह से कायम रहे और उसमें कोई संशोधन न किया जाये । यह जो धारा १० जेरे गौर है और जैसा कि आपने फरमाया कि १४ धारा तक विचार हो रहा है मैं चाहता हूं कि इनको इसी तरह से ही रहने दिया जाये और इनमें कोई भी परिवर्तन न किया जाये । अगर कोई परिवर्तन किया गया तो यह एक बहुत भारी अन्याय हम अपनी बहनों के साथ करेंगे । ऐसा करना उन अधिकारों को भी वापस लेने के बराबर होगा जो कि हम पहले उन्हें दे चुके हैं ।

Shri Pataskar: It was, I think, at one time decided that we should have 4 hours for these clauses and the Schedule. I agree that the Schedule is more important. We have disposed of clauses 7, 8 and 9 and now we are on clause 10. I believe that the discussion is proceeding not so much with regard to the Schedule as with regard to others. The Schedule is more important and will take more time. But 3 hours have already been spent. Most of the things which are said could more appropriately be considered at the time of the consideration of the Schedule itself. Otherwise, if I object that we should devote more time to Schedule, I need not be blamed, because Members seem to mix up all those things relevant to the Schedule with these clauses.

Mr. Deputy-Speaker: It is a very important question that should be considered, because, at the end, perhaps, we might feel that we have got very little time. So, the hon. Members should realise this.

I was surprised when the hon. Minister said that he thought that we were still on clause 10. So far as I can make out, the Hon. Speaker attaches much importance to this clause and he allowed this discussion to go on freely. He left instructions with me as well that he had no time limit fixed for this clause. Therefore, if hon. Members want to attach more importance to this clause, we can discuss it for some time more.

Shri Pataskar: That is all right. It is perfectly within the Speaker's powers to extend that.

Pandit Thakur Das Bhargava: So far as I understood, he said we will deal with shares now and the substantial question—on which I have given an amendment about the inclusion of the father and mother—will be dealt with in connection with the Schedule. If you were taking the vote here, it would mean that the same thing will have to be discussed twice over. I would beg of you to kindly rule that if you want to finish with clause 10, it may be confined only to the shares and the substantive portion may be left over to the Schedule; otherwise, it will be confusion.

Mr. Deputy-Speaker: I agree; I would like that only shares might be discussed now; otherwise, the discussion would be duplicated and we will have to cover the same ground over again.

Shrimati Jayashri; I hope the hon. Member would keep that in view.

Shrimati Jayashri: After passing clause 6, I had expected that hon. Members here will not grudge even the small share that we are providing to the daughters in their father's property and not in the joint family property. It is not correct to say that the sons will get a lesser portion than the daughters. They will get both in the joint family property as well as in the father's property.

Shri Altekar said that we are going to spend on the marriage of the daughter. Parents will spend both on the marriage of the daughter as well as for providing ornaments and clothes for the daughter-in-law. So, equal expenses will be incurred by the parents, both for the sons and the daughter.

The hon. Law Minister has already referred to the case of married daughters being abandoned by their husbands, or being married into families which are poor or their becoming widows where they might require to be helped more than the unmarried daughters who might be earning themselves and may not be in need of money. There will be several such cases in our society. It is

[Shrimati Jayashri]

not fair that we should make any discrimination between the married and the unmarried daughter.

To say that the daughter should inherit in her father-in-law's family is going against natural love. We expect that she would be more welcome to get a right in her father's property than in what we call a foreign family, because she is going to people who may not accept her as their coparceners. It is, therefore more natural that she should get, whatever inheritance rights she has, in her own parent's family and not in her father-in-law's family. There, she will not inherit it unless she become a widow. So, I would say that a married daughter and an unmarried daughter should be treated alike in the father's family.

When you are going to accept the socialist pattern of society and when you have, in your own Constitution, accepted the individual as the unit and not the family, it is but right that every individual should have his or her succession in the individual capacity and not as the wife or daughter, son's wife or widow or like that.

I would again appeal to hon. Members here that whatever little share they have now accepted according to clause 6, should not be dwindled any further. In our women's organisations we had formally passed resolutions for adopting the Dayabhaga system of law by which they would get equal shares in the father's property. As I said, here, they will be getting only from the father and not from the joint family. I do pray that hon. Members will not create more difference by cutting even from this share and halving the share of the daughter. I also appeal that both married and unmarried daughters should get equal shares and there should be no difference between them.

श्री टंडन (जिला इलाहाबाद–पश्चिम) : श्री उपाध्यक्ष जी, अभी जो दलीलें इस सम्बन्ध में दी गई हैं, उनको सुनकर, और पहले भी जो कुछ बातें कही गई, उनका ध्यान कर मैंने उचित समझा कि मैं अपना मत निवेदन कर दूं । आज मैं इसलिये भी खड़ा हो गया हूं कि सम्भव है कि जिस दिन शेड्यूल (अनुसूची) पर विचार हो, उस दिन मैं इस भवन में न रह सकूं । इस कारण से मैं अभी अपना मत प्रकट कर देना चाहता हूं ।

हमारे इधर एक भाई ने इस बात पर आपत्ति उठाई की माता और पिता की चर्चा शेड्यूल की पहली श्रेणी के उत्तराधिकारियों में नहीं आनी चाहिये । मैं उन लोगों से सहमत हूं जिनका मत है कि माता और पिता को इसमें रखा जाय । मैं इसके पक्ष में हूं । जो प्रवर समिति बनी थी, उसने माता का भाग रखा भी था, परन्तु राज्य सभा में वह हटा दिया गया । मैं तो इसका कोई कारण नहीं देखता । अब आप कर्तव्य की चर्चा करते हैं, तो क्या पुत्र का कर्तव्य माता-पिता की और अपने लड़के की अपेक्षा कम है ? अवश्य, लड़के के प्रति पिता का कर्तव्य है ही, परन्तु हमारे समाज में कभी कभी यह होता है—कम होता है, बहुत नहीं होता है—कि बूढ़े माता-पिता रह जाते हैं । तो मेरा तो यह निवेदन है कि माता को भी रखना चाहिये और पिता को भी रखना चाहिये । प्रवर समिति के निर्णय में माता को रखा गया था और पिता को छोड़ दिया गया था । हमारे यहां प्राचीन वाक्य है–मातृदेवो भव और उसके बाद आता है–पितृदेवो भव । यह तैत्तिरीय उपनिषद् का वाक्य है । स्मृति में माता को पहला स्थान दिया गया है । माता को देवता के समान माना गया है । कहा गया है कि देवता के समान माता का पूजन करो । माता का ऊंचा स्थान माना गया है पिता की अपेक्षा । यह स्पष्ट है । माता का रखना ठीक ही था, परन्तु पिता को भी इस श्रेणी में स्थान मिले, ऐसा मेरा कहना है ।

मैं इस प्रस्ताव से भी सहमत हूं, जो अभी मेरे भाई ने रखा कि इसमें जहां लड़की की चर्चा है, वहां "अविवाहिता" शब्द जोड़ दिया जाय–"अनमैरिड" शब्द जोड़ दिया जाय । मैं इसको बिल्कुल उचित समझता हूं । यह मैं पहले भी निवेदन कर चुका हूं । इधर से हमारे एक भाई ने कहा कि यदि विवाहिता लड़की को आप अपने कुटुम्ब में से देते हैं, तो यह भी तो सम्भव है कि जो बहू आपके घर में आवे वह दूसरे कुटुम्ब से ले आवे । यह दलील दी गयी कि आर्थिक दृष्टि से कुटुम्ब में बराबरी हो जायेगी । यह क्या दलील है ? मेरे सामने पैसा आने जाने का प्रश्न नहीं है । लड़की को आदमी प्रेम से पैसा देगा । यहां पैसे का प्रश्न नहीं हे, प्रश्न है कुटुम्ब के विच्छेदन का । यह कौन सी दलील है कि अगर हमारे कुटुम्ब का पैसा जायगा तो दूसरे कुटुम्ब का पैसा हमारे यहां आ जायगा । बात यह है कि जहां से यह पैसा आयगा वहां विघटन होगा और हमारे कुटुम्ब से जाने में भी

विघटन होगा । लड़की तो प्रेम की वस्तु है, विवाहिता हो या अविवाहिता । मैं तो एक क्रम की बात कर रहा हूं । विवाहिता पुत्री जब दूसरे के घर में जाती है, तब यह एक स्पष्ट सत्य है, वह अपने पति के साथ अकेले रहे ऐसी बात नहीं होती । कुछ आधुनिक क्रम की लड़कियां ऐसी हैं जिनके विषय में यह पुराना क्रम लागू नहीं होता नहीं तो साधारणतया इस देश में जो लड़की विवाहित हो कर जाती है वह पति के कुटुम्ब का अंग होती है और वहां बहुत वर्षों तक, जब तक उसकी उम्र बहुत नहीं हो जाती, उसे बहुत दबाव में रहना पड़ता है, पति के दबाव में, सास ससुर के दबाव में । अगर ऐसी लड़की को पिता की सम्पत्ति में अधिकार होगा तो उसके कारण पिता के कुटुम्ब में विच्छेद होगा । इससे दूसरे कुटुम्ब को अवसर मिलता है कि वह लड़की के पिता के कुटुम्ब में आ कर हस्तक्षेप करे । यह उस प्रश्न का व्यावहारिक पहलू ह । यहां कई दफा यह दलील दुहरायी गयी है कि ऐसा करने से देहातों में भूमिखंडों के बटवारे में कठिनाई पड़ेगी, घरों में कठिनाई पड़ेगी, अगर लड़की के पिता और भाई व्यापार कर रहे हैं तो उसमें कठिनाई पड़ेगी । उस व्यापार में लड़की के घरवाले लड़की के नाम पर आ कर हस्तक्षेप करेंगे, हिस्सा मांगेंगे । यह केवल पैसे के आने जाने का प्रश्न नहीं है । प्रश्न यह ह कि जिस कुटुम्ब से पैसा जायगा वहां विच्छेद होगा । यह कोई उचित बात नहीं है कि हमारी बहू भी दूसरे घर से पैसा ले आवेगी । प्रश्न यह है कि इस क्रम के कारण कुटुम्बों में वैमनस्य उत्पन्न होगा । यह क्रम विच्छिन्न करता है । इसलिये यह कहा जाता है कि विवाहिता लड़की को अधिकार न दीजिये। अविवाहिता को अधिकार दिया जाय, इसलिये कि जो कुछ उसको मिलेगा उसके द्वारा उसका विवाह किया जा सकेगा और भरणपोषण होगा । अगर ऐसी जायदाद हो जो कि रुपये पैसे के रूप में हो या साथ जा सके तो उसको लड़की ले जा सकती है । लेकिन जो जायदाद खिसकाई नहीं जा सकती, उसके बटवारे को मैं उचित नहीं मानता।

कुछ अजीब तरह की बातें कही गयीं । इधर से दो एक बहिनों ने कहा कि जो अधिक उम्र के लोग भाषण देते हैं उनका दृष्टिकोण समाज सुधार का नहीं है, वे समाज सुधार के विरोधी से हैं । मुझको तो यह सुनकर आश्चर्य हुआ। मैंने कुछ कनॉट प्लेस की तितलियों की चर्चा की थी। हमारे भाई मोरे ने इसका यह अर्थ निकाला मानो मैं शिक्षित स्त्रियों का अनादर कर रहा हूं। मुझे लगा कि क्या बुद्धि की बात है कि जिनकी उम्र बीती इस बात में कि देश आगे बढ़े, समाज आगे बढ़े, स्त्री शिक्षा आगे बढ़े, उनके विषय में यह कहा जाये । मेरी उम्र का कुछ अंश बीता है इस बात में कि मैं उन लोगों का विरोध करूं कि जो स्त्री शिक्षा के विरोधी रहे हैं। बहुत बार मुझ को ऐसे लोगों से लड़ना पड़ा है । एक कालिज के बनाने में जो कि केवल लड़कियों के लिये है, मेरा हाथ रहा है और इस समय मैं उसका अध्यक्ष हूं । जब मैं जवान था उस समय से मैंने उस संस्था के बनाने में हाथ दिया था । शिक्षित बहिनों का तो मैं आदर स्वभावतः करता हूं । मेरी कई पुत्र बधुएं साधारण नहीं ऊंचे दर्जे की शिक्षिता हैं । परन्तु जो मैंने "तितलियों" का शब्द इस्तेमाल किया तो मेरा तात्पर्य उन स्त्रियों से था जो कि जीवन पर गम्भीरता से विचार नहीं करतीं, जिनके जीवन में भोग विलास मुख्य स्थान रखता है और जो अपने शृंगार को अधिक महत्व देती हैं । मेरा अनुभव है कि जो ऊंचे दर्जे की शिक्षित स्त्रियां हैं वे प्रायः इस तरह की हलकी बातों में नहीं पड़तीं । उनका राजनीतिक विचार चाहे कोई भी हो । चाहे वे समाजवादी हों, चाहे कम्युनिस्ट हों, पर वे हलकी बातों में नहीं पड़तीं । हमारी जो हलकी तरह की स्त्रियां हैं मेरा तात्पर्य उनसे था । मेरा आक्षेप शिक्षिता बहनों पर तो हो ही नहीं सकता ।

मैं यह निवेदन कर रहा था कि अभी कुछ लोगों ने इस तरह की बातें कहीं कि जो लोग उनसे भिन्न मत रखते हैं वे मानों समाज सुधार के विरोधी हैं । यह नितान्त अशुद्ध धारणा है । मैं कुछ समय पहले कन्नड़ देश में गया था तो वहां मैंने अपने कुछ भाइयों से एक कहावत सुनी थी जो मुझे बहुत अच्छी लगी । वह कहावत कन्नड़ भाषा में इस प्रकार है :

आरु हड़े दबरु मुन्दे वन्दु हड़ेदबलु हेलिदलु

इसका भावार्थ यह है कि वह स्त्री जिसके कि अभी एक बच्चा हुआ है उस स्त्री को प्रसव की पीड़ा के बारे में व्याख्यान दे रही है जिसके ६ बच्चे हो चुके हैं । आज ६ बच्चे वाली स्त्री को एक बच्चा पैदा करने वाली स्त्री व्याख्यान देती है प्रसव पीड़ा पर । जिन लोगों की उम्र बीती देश को आगे करन में, आज उनको हमारे वे लोग व्याख्यान देने आये हैं जिन्होंने इस दिशा में कुछ थोड़ा बहुत काम किया है और जो उस सीढ़ी पर अभी चढ़े ही हैं । ये दलीलें छोटी दलीलें हैं । इसका यह अर्थ नहीं है कि जो पुराने लोग हैं

[श्री टंडन]

था जिन्होंने देश के लिये काम किया है जो वह कहें उसको आप मान लीजिये । मैं तो कहता हूं कि जो कुछ वह कहते हैं उस पर आप विचार कीजिये । मैंने यह बार बार कहा है कि मैं पुराने शास्त्रों के ऊपर अपनी बात नहीं कह रहा हूं । हमारी बहन श्रीमती रेणु चक्रवर्ती नें उस दिन कहा कि मैं मिताक्षरा में धर्म का बहुत विशेष गुण देखता हूं । वे कुछ भूल गयीं । मेरा भाषण तो उनके सामने है । जहां तक मुझे याद है मैनें मिताक्षरा की चर्चा भी नहीं की थी । मिताक्षरा, दायभाग या दक्षिणी क्रम इनसे मुझे प्रयोजन नहीं । मेरे सामने प्रश्न दायभाग और मिताक्षरा का नहीं था । मेरा तो कहना है कि ऐसा न कीजिये जिसमें की कुटुम्ब में विच्छेद हो, झगड़ा हो । मैं तो समाज में झगड़े को बचाना चाहता हूं । मेरे विचार में लड़कियों को इस प्रकार पिता की सम्पत्ति में अधिकार देना स्त्रियों का आदर करने का रास्ता नहीं है । मैं इसका पक्षपाती हूं कि आप चाहे अकेली विधवा पत्नी को सम्पत्ति पर अधिकार दीजिए लड़कों को चाहे हटा दीजिये । हम उसको स्वीकार करेंगे कि विधवा को आप आधा दीजिये और आधे में आप संतान को रखिये । माता पिता को कम कीजिये, यह मुझे स्वीकार है । मैं माता पिता दोनों को रखने के पक्ष में हूं, अगर आप अकेले माता को ही रक्खें तब भी मैं उसे अच्छा समझूंगा । इसमें कोई स्त्री और पुरुष की होड़ नहीं है, प्रश्न यह है कि समाज का क्रम कैसे बंधे । प्रस्तावित क्रम के द्वारा आप एक नई बात यह करने जा रहे हैं कि एक दूसरे कुटुम्ब को एक चलते हुए कुटुम्ब में हस्तक्षेप करने का अवसर दे रहें हैं । मैं पूछना चाहता हूं कि यह कौन सी बुद्धिमानी की बात आप करने जा रहे हैं ? मुझको तो यह दिखाई पड़ता है कि कुछ थोड़े से आदमियों और स्त्रियों के दिल में एक इतने पुराने जमे हुए समाज की उन्नति के नाम पर उसको नष्ट करने की बात घर कर गई है और ऐसा करते समय उनके दिल में यह भाव रहता है कि इस तरह वह समाज की अधिक दूरदर्शी उन्नति करने वाले हैं परन्तु मुझे तो उसमें कोई युक्ति अथवा बुद्धि की बात दिखलाई नहीं देती । मेरा तो यह दावा है, जैसा कि मैंने पहले भी कहा था, कि अगर आप को साहस हो तो किसी प्रकार से इसके विषय में राय ले लीजिये । इसके लिये हमारे पाटस्कर साहब न मेरे उस सुझाव के बारे में जो मैंने किया था कि आप इसके बारे में बूढ़ी औरतों से सलाह लीजिये, यह दलील दी कि जब सती की प्रथा इस देश में से हटाई गई थी तो उस समय अगर स्त्रियों से पूछा जाता तो वे कभी स्वीकार नहीं करतीं कि सती की प्रथा को हटा दिया जाय । मैं पाटस्कर साहब से पूछना चाहता हूं कि यह आपने कैसे जाना । मैं तो समझता हूं कि स्त्रियों से सती प्रथा की बाबत अगर उस समय पूछा जाता तो वे भी यही कहतीं कि स्त्रियों को पुरुषों के शव के साथ जलना उचित नहीं है । याद रखिये कि जिस समय सती प्रथा बंद की गई थी उस समय और उसके बहुत पहले से ही शव के साथ विधवा स्त्री नहीं जलाई जाती थी । कभी बिरली कोई एक सती हो जाती थीं लेकिन ऐसा तो नहीं था कि सती रास्ते में मारी मारी फिरती थीं । इतिहास आपके सामने है कि जिस समय वह सती का कानून बना उसके १००-२०० वर्ष पहले से साधारणतया स्त्रियां सती प्रथा को पसन्द नहीं करती थीं । मैं पाटसकर जी साहब-से पूछना चाहता हूं कि क्या उनको पता है कि कितनी स्त्रिया कितनी विधवायें अपने पति के शव के साथ जल गईं ? उस समय भी सती प्रथा का साधारण रीति से प्रचलन नहीं था । हां किसी का सती हो जाना असम्भव नहीं था और कभी कभी कोई विशेष भावना वक्त देवी सती हो जाती थीं । अभी भी नगरों में और बड़े बड़े शहरों में सती के चौरे प्रसिद्ध हैं । अब भी कई वर्षों में सती का कोई दृश्य सामने आ जाता है उसको कानून से बंद कर दिया तो आपने कहा कि हमने एक बड़ी भारी कुप्रथा जो समाज के अन्दर विद्यमान थी, उसको मिटा दिया लेकिन जैसा कि मैंने अभी बतलाया वह बुराई बहुत कुछ पहले ही बन्द हो चुकी थी । साधारण रीति से लोग अपने यहां की स्त्रियों को जलाने के विरुद्ध थे और इसको पसन्द नहीं करते थे और न स्त्रियां ही पसन्द करती थीं । कभी कोई स्त्री अपवाद हो जाया करती थी जो कि धर्म और प्रेम के उन्मादवश पति के शव के साथ लेकर सती हो जाती थी । मुझे तो श्री पाटस्कर जी के मुख से सुनकर बड़ा आश्चर्य हुआ कि यदि स्त्रियों के ऊपर इस सवाल को छोड़ दिया जाता तो वे सती प्रथा के बंद किये जाने का विरोध करतीं । मेरा कहना यह है कि आपका ऐसी कल्पना करना बिल्कुल अशुद्ध है । मैं ऐसा मानता हूं कि हमारे यहां की स्त्रियों को बुद्धि है और वे साधारण रीति से ठीक काम करती हैं ।

आप अगर स्त्रियों के सामने पर्दे का सवाल रखिये तो वे कहेंगी कि स्त्रियों के लिये पर्दा हटना चाहिये । आज कुछ स्त्रियों में पर्दे की

प्रथा विद्यमान है लेकिन मैं समझता हू कि बड़ी संख्या आपको ऐसी स्त्रियों की मिलेगी जो यह कहेंगी कि पर्दा नहीं रखना चाहिये । आप ऐसा क्यों मान लेते हैं । कि स्त्रियां बुद्धि के विरुद्ध बात कहेंगी । यहां तक मूढ़ाग्रह अथवा अन्ध प्रचलन की बात है तो वह अकेले हमारे देश में ही नहीं बल्कि संसार के अन्य देशों में और पश्चिमी देशों में भी मिलता है । लोग नाना प्रकार के मूढ़ाग्रहों से बंधे हुए हैं, बहुत से ऐसे बुद्धिरहित क्रम हैं जिनके अंदर वे जकड़े हुए हैं । मढ़ाग्रह को अंग्रेजी में सुपरस्टिशन कहते हैं । वह पश्चिमी देशों में भी है । कुछ ऐसे चलन और क्रम होते हैं जो आज की परिस्थितियों में व्यर्थ हैं लेकिन वे चले आते हैं । हमारे पाटस्कर जी को शायद मालूम होगा कि ब्रिटिश हाउस आफ कामन्स में आज भी यह प्रथा है कि जब नयी लोक सभा इकट्ठी होती है तब स्पीकर पहले पहल नियुक्त होकर भवन के नीचे के भाग में जाता है उसके साथ लालटैन जाती है जो कि आज बिलकुल आवश्यक नहीं है । यह उस समय की चाल है और उस समय का रास्ता है जब गार्ड फौक्स ने **गन पाउडर प्लौट से हाउस आफ कामन्स** को उड़ा देने का प्रयत्न किया था और वह पकड़ा गया था । उसके बाद यह होने लगा कि हाउस आफ कामन्स की बैठक होने पर स्पीकर स्वयं नीचे जा कर देखता था और चूंकि उस समय (सैलर्स) नीचे के भाग में अंधेरा रहता था इसलिये साथ में उसके लालटैन चलती थी जो अब आवश्यक नहीं है, परन्तु उस पुराने क्रम को वह आज तक निबाहते चले जा रहे हैं । इसी तरह हम देखते हैं कि आज के दिन भी स्पीकर के सामने वह मेस (गदा) रक्खा जाता है, जो पुराने समय का अवेशष चला आ रहा है और संसार में अन्यत्र भी हम देखते हैं कुछ पुराने रास्तों पर लोग जकड़े रहते हैं और उन पर चलते रहते हैं । वही बात हिन्दुओं में भी पाई जाती है परन्तु यदि कहीं उनके सामने एक बौद्धिक प्रश्न आयेगा तो आप ऐसा क्यों समझते हैं कि सारी स्त्रियां और पुरुष गलत रास्ते पर चलने के लिये अपनी राय देंगे ? इस तरह की दलील दे कर आप यह स्वीकार करते हैं कि आप जो काम कर रहे हैं वह जन मत के विरुद्ध है परन्तु चूंकि आप उस रास्ते को ठीक समझते हैं इसलिये आप उनको सुधारने की बात कर रहे हैं । प्रजातंत्र में यह रास्ता सुधारने का होता भी नहीं है, आप उनसे सलाह लीजिये और अगर आपका यह विश्वास है कि स्त्री और पुरुष सब आपकी यह बात मानेंगे कि लड़की को अधिकार दिया जाय तो उनकी राय लेने के बाद आप ईमानदारी से इसको ला सकते हैं लेकिन आपको तो इसमें संदेह है कि स्त्री और पुरुष अगर आप उनके सामने इस बात को ले कर जायेंगे तो वह इस को नहीं मानेंगे । ऐसी अवस्था में इस तरह का कानून बना कर प्रजातंत्र के सिद्धान्त के प्रतिकूल आप अन्याय कर रहे हैं ।

मुझे और अधिक विशेष नहीं कहना है । इस विषय में मेरी वाणी में जितना बल है उसके द्वारा मैं आपसे यह कहना चाहता हूं कि लड़की को हिस्सा न दे कर स्त्री को हिस्सा दीजिये, माता को हिस्सा दीजिये । लड़की को उस सम्पत्ति में हिस्सा दिलवा करके आप विघटन कर रहे हैं और ऐसा करके आप देश में एक अशुद्ध मार्ग स्थापित कर रहे हैं । यह कोई उन्नति का मार्ग नहीं है । आपका जो रास्ता है वह आगे बढ़ने का नहीं है, यह समाज के विघटन करने का रास्ता है । मैं आपसे यह कहना चाहता हूं कि इस विषय पर पूर्ण स्वतन्त्रता से विचार करने की आवश्यकता है । मैं अपनी बहनों और भाइयों से यह कहना चाहता हूं कि वह इस विषय में किसी के पिछलग्गू हो कर न दौड़ें ।

स्वतन्त्र विचार कीजिये । स्त्री के मान अपमान का प्रश्न सामने अवश्य रखिये । जहां तक स्त्री के मान अपमान का प्रश्न है, उसके मान को हमें ऊंचा उठाना है, परन्तु समाज को भी ठीक रखना है । समाज को स्थायी रूप देना है । इस प्रकार से इस प्रश्न को देखिये । इस में केवल हिस्सा देने का ही सवाल नहीं आता है अन्य प्रश्न आते हैं । मुख्य प्रश्न आता है एक कुटुम्ब के दूसरे कुटुम्ब में हस्तक्षेप करने का : इस दृष्टि से जो अभी कहा गया कि पुत्री शब्द, के पहले इसमें 'अविवाहित' शब्द रख दिया जाय, उसका मैं समर्थन करता हूं ।

3 P.M.

Shri Seshagiri Rao: Mr. Deputy-Speaker, I entirely disagree with the amendment moved by Shri Altekar and partly disagree with the amendment moved by Shri Rane. Shri Altekar's amendment seeks to reduce the number of daughters who should inherit the property, while Shri Rane's amendment seeks to reduce the share that a daughter can inherit. If there is a distinction

[Shri Seshagiri Rao]

or discrimination between a married daughter and an unmarried daughter, supposing by the time the father dies all the daughters are married, does it mean that the daughters will not get anything? Does it mean that they cannot expect anything from their father's property? Is marriage a disqualification for women to get a share in their father's property? I cannot understand this at all.

Then there is another thing. Shri Altekar equates marriage with economic stability. He thinks that because a daughter is married she will be rich. There are so many cases where daughters remain poor even after their marriage.

Mr. Deputy-Speaker: Order, order. The hon. Member may resume his seat. Those hon. Members who carry on private conversation should at least have this consciousness that this is not an act permissible. If that consciousness is there, perhaps they might do it in a lower or subdued tone.

Now the hon. Member may continue his speech.

Shri Seshagiri Rao: Sir, this is the gravest injustice that can be done, as I was saying, to the daughter.

There are two outlets to the property of a Hindu family: one by a daughter and the second by a widow. The daughter takes the property away and the widow also may take the property away, because she gets an absolute interest. But one thing which you must consider is that a daughter will remain a daughter for ever, whereas a widow might change her character and become the wife of some other man.

Shri K. K. Basu (Diamond Harbour): But still she is the widow of so and so.

Shri Seshagiri Rao: Yes, 'ex-widow'.

[MR. SPEAKER *in the Chair*]

Therefore, if at all a reduction in the share is to be considered, it should not be in the case of a daughter, but only in the case of a widow. I am in full agreement that we should give a full share to the daughter equal to that of a son. With the redrafting of clause 6, in Mitakshara families a daughter will be getting absolutely nothing. Therefore, I request the hon. Members to see that no reduction is made in the daughter's share. If the idea is that there should not be any reduction in the family property, that there should be less outlets to the family property, it may be considered as to whether the share of the widow can be reduced, so that her share may not go away from one house to the other. In any case, in the case of daughters it is but proper and just that we should give them the full share.

Shri C. C. Shah: Mr. Speaker, I will be very brief and will confine my observations only to the clause under consideration.

As regards the daughter's share, I entirely agree with Shrimati Renu Chakravartty that if we had agreed to the Rau Committee's proposals, namely, to put an end to the Mitakshara joint family and kept half share for the daughters, they would have benefited more than under the present proposal. But, having agreed to the amendment to clause 6, which we did yesterday, I consider it impossible to support any proposition which would reduce the share of a daughter from what is provided for now in the Bill. I agree that the system of joint family will not survive long and the consequences will be that when that system comes to an end, what is now provided for, namely, a share equal to that of the son, will remain. Though at present the daughters may seem to suffer a little, I think ultimately they will gain. But in any event, I have no doubt that what we have now provided for must remain and we cannot change.

As regards father and mother, I am afraid there is some misconception. The first charge upon the estate of a deceased are his lenial descendants and widow. That is so in all systems of jurisprudence.

Pandit Thakur Das Bhargava: What about Muslims?

Shri C. C. Shah: I will come to that. If the person concerned desires to provide for father and mother and if he finds that they are otherwise not provided for, it is open to him to make a testamentary disposition making provision for father and mother.

Shri Barman (North Bengal—Reserved—Sch. Castes): That is done in all cases.

Shri C. C. Shah: So far as the father is concerned, it is generally presumed that the father has his own property.

The sons and the children ordinarily do not have their own property apart from the property of the deceased. Therefore, out of the property of the deceased, provision must first be made for the widow and the children of the deceased, and the father and the mother come thereafter. That is the present Hindu law, which has been there for ages and centuries. I do not understand what injustice has been done to father and mother for all these centuries and ages, that we want to suddenly provide for the father and mother along with sons and daughters.

There is another thing. So far as the mother is concerned, somebody made an observation that she was included in class I first, but the amendment made by Rajya Sabha has taken her out—and very rightly so in my opinion. If you include mother in class I, what will be the consequence. The mother will inherit as widow of her husband, the mother will inherit as daughter to her father and the mother will inherit to the son. In triple capacity she will inherit. She will inherit to every son; if she is lucky enough to have more than one son, she will inherit to more than one son. That will create an imbalance in any society.

Shri Tandon : If all the the sons die during her life-time.

Shri C. C. Shah : Ordinarily a mother expects that the sons will survive her.

Shri Tandon : Certainly.

Shri C. C. Shah : Therefore, I was submitting, that the mother is amply provided for both as a successor to her husband as well as a daughter to her father. That is why no provision is ordinarily made for the mother to succeed to the son.

Of course, it is a quite different proposition as to who should be in class I, because there are several heirs in class I who, in my opinion, should not be in class I and should not be preferred to the father and mother. But I may make it quite clear that so far as the children of the deceased are concerned, and so far as the widow of the deceased are concerned, they must have preference over the father and mother and they should not be made to take along with the father and mother. Whether those in the second generation and third generation should be preferred to the father and mother or not, is a question about which there can be a difference of opinion. For example, daughter's daughter, son's daughter, daughters of a predeceased son of a predeceased son and so on, who have been put in class I of the Schedule, presumably cannot be and ought not to be in class I, but should come after the father and mother as they are at present. That matter can, of course, be discussed when we take up the Schedule. However, I once again say that I do not agree that the father and mother can be placed along with the sons and daughters.

Now, as regards the unmarried daughter and married daughter there is a distinction sought to be made. There are two propositions made. One is that the unmarried daughter should succeed to the father, but the married daughter should not succeed at all. The other proposition is that the unmarried daughter should have a share equal to that of the son but the married daughter should have only half of the son's share. I am afraid we cannot agree to either of these propositions and the reason is obvious. A daughter who may be unmarried may marry immediately after the death of the father. A daughter may marry before or after the death of the father. That makes no difference. If a son has married during the life-time of the father and another son has not married, we have not provided that when they go to partition all the expenses incurred in connection with the marriage, education in foreign countries etc., will be deducted from the share of the son concerned before the actual partition takes place.

Pandit Thakur Das Bhargava : At the time of partition, all these considerations prevail. Partition is done according to the circumstances in each case. That is the Hindu law.

Shri C. C. Shah : That is not Hindu Law. When you go to partition, you divide the property as it stands at the time of the partition. I have never known a Hindu law which says that what has been spent for marriage, education etc., on one son should be deducted from his share before the partition of the property. If that is said to be the proposition of Hindu Law, I beg to differ. But the whole point at dispute, as I said yesterday, is the objection to the daughter taking a share at all, because she goes into the other family.

[Shri C. C. Shah]

I entirely appreciate that sentiment. I have listened very respectfully to the speech of Shri Tandon now and also previously. That is a sentiment which he strongly holds, namely, because the daughter goes into the other family she should have no share at all. It is a difference of opinion on which unfortunately this Bill now cannot compromise. Pandit Thakur Das Bhargava's theory is that the son and the wife should succeed simultaneously to the property of the father-in-law, and that means we will have to re-write the whole of this Bill. It is of course quite a different proposition. Daughters have been made the sharers in all systems of law. No ruin has come to society because of that reason. We will adjust things. Of course, it is a novel idea. It is very difficult for us to adjust our minds to the great change which is coming upon us.

The proposition was made that a widow on remarrying should forfeit all the interest which she has received. It is very difficult for some of us to make a mental adjustment when it comes to the property of the female being made absolute. If she remarries she is entitled to take the property with her as well! But that mental adjustmnet of feeling that the daughter or the widow takes the property absolutely is undoubtedly difficulty. But I submit that it is a fundamental change which this Bill makes and we should support it as it stands.

Shri Barman: I am not only surprised but I am amazed to hear certain arguments of Shri C. C. Shah today. He stated that for centuries and centuries, the law has been that the mother does not come in as an heir.

Shri C. C. Shah: As a preferencial heir along with the sons.

Shri Barman: In the case of Dayabhaga it is the son, son's son, son's grandson who take the share. It is up to the third generation, and it is the male descendants of the father who take first. In their absence, it is the mother and the father that come in. So, that is the proposition. He says that it is applicable only to Mitakshara and not to Dayabhaga. We understand the difference between the two.

Shri C. C. Shah then stated that he objects not only to the mother but also to some other female heirs that are now classified in class I. If that be so, I should like the House to understand the position of the female heirs in a Mitakshara family. It is only in the case of class I heirs that we have provided in clause 6 that female heirs should come in. If they do not come under class I, even in a coparcenary property, no other female heirs classified in other classes which may be class II or anything else, come in at all.

Shri C. C. Shah: That will come in.

Shri Barman: That is the proposition now made. In clause 6 you have stated that the female heirs will come in only in respect of those who are mentioned in class I. That has been definitely stated. If these female heirs have been eliminated from class I, certainly we deprive the female heirs practically of all the property.

Shri C. C. Shah: Not all. I said that only some of it will go.

Shri Barman: Shri C. C. Shah wants to eliminate them from class I and that will certainly deprive the heirs from inheriting anything in the Mitakshara coparcenary property. That is a proposition which we shall have to consider afresh.

Shri C. C. Shah stated one objection, namely, in case we bring the mother in class I, then the mother will inherit in a variety of capacities, as a wife, as a mother and also from many other sources. Supposing in a particular case it so happens. What is the harm? After all, it is the property of the husband, of the son, etc., and if some sons were living, certainly it will again descend to the other sons in the line, and the mother gets a bit more share than the other female heirs. I do not think, as a Hindu, I should grudge that, because after all the mother is the most affectionate of all female heirs whatever the other female heirs might be. So, I entirely disagree with the proposition and the arguments that have been advanced by Shri C. C. Shah today when he objects to the mother being transferred to class I which was recommended by the Joint Committee but which was changed and the mother was relegated to class II by the Rajya Sabha. I think that we cannot reconcile ourselves with the aspect that the mother should be left in a position much worse than other female heirs to whatever class they might belong. I entirely disagree with Shri C. C. Shah, and I again ask this House to consider this matter and to bring at least the mother and the father in class I.

Shrimati Sushama Sen: I have an amendment saying that father and mother should be placed in class I. I think in the original Bill the mother was placed in class I, but somehow or other, the Rajya Sabha had put her under class II. I think in all fairness the mother should be placed in class I. That is my amendment. I wish that along with the mother, the father also should be put in class I but perhaps it is not possible. But there should not be any discrimination. However, I want that the mother should be placed in class I. I hope the Minister would kindly accept this amendment.

Shri Pataskar: I am rather in a position where I do not know where I really stand in relation to the discussion on clause 10 and the Schedule. Many of the matters on which we agreed should rather be discussed and settled at a time when we come to discuss the Schedule. But having discussed them now, perhaps it will curtail the time allotted for the Schedule. Of course that time could be utilised for other matters if the Members so choose.

So far as clause 10 is concerned, what does it really relate to? What is it to which the Members object? "The property of an intestate shall be divided among the heirs in class I in accordance with the following rules." Rule 1 says:

> "The intestate's widow, or if there are more widows than one, all the widows together, shall take one share".

Fortunately, if the Hindu Marriage Act had been passed a few years earlier, there would probably no question of more than one widow. But, unfortunately, at the present moment—

Mr. Speaker: Nobody has ever said about it.

Shri Pataskar: Yes. I pass to rule 2 which says:

> "The surviving sons and daughters of the intestate shall each take one share".

That is really the most important part of the clause on which there can be some discussion. The daughter and the son shall each take an equal share. I never expected that, when I put forth the amended clause 6, and looking to the general discussion and the trend in which it went on and the support which it received, there would be a further attempt made in this House to reduce the daughter's share. I will not go into the question again, but having committed ourselves to the principle at least which underlies clause 6, these rules in clause 10 have been made. There was one provision in the Joint Committee. Then the Bill went to the Rajya Sabha. We thought that there should be something done in which, if at all the Mitakshara sons are there, they should not be interfered with. We started with the idea which is acceptable to all people, apart from one's opinion or otherwise, the idea being that we do not want to do away with Mitakshara here and now by this Act. That is what we agreed to by the clause which we had adopted yesterday. If at all the Mitakshara system is allowed to live, then the sons and daughters will have their shares; we should not touch it. I thought that the principle was acceptable to the House and it was in that hope I brought forward that amendment to clause 6. But again today I find hon. Members demanding that the share of the daughter should be reduced to half. I thought the whole matter was discussed yesterday and there was an end of it. There has to be some consistency in the way in which are proceeding with this Bill. I think this is not the right approach. So far as this Bill is concerned, we take something as the basis of the legislation that we pass. Having decided the basis, I do not know what reply I should give to general questions like, "What is the position of the unmarried daughter?" and so on. How many times have these things been discussed in this House?

In clause 32 the word "testamentary" has been used, because I thought that it should be left to the father. The clause even goes to the length of saying that in spite of what has been provided in clause 6, the father can see that the daughter may not got any share at all. Having done all that, when we come to clause 10, the same issue is raised and hon. Members want that the daughter's share should be reduced to half. I do not know what will be said again on this matter at the time of the discussion of the Schedule. I will only say this. After having passed clause 6, I am pained—not only surprised—to find that there is a proposal from somebody to further reduce the daughter's share to half. The only thing I want to say is that they should not have tried to change the tone of the whole thing which we did yesterday.

[Shri Pataskar]

Nothing has been said about Rules 3 and 4 and therefore, I am not referring to them. The only germane issue to far as this clause is concerned is, what should be the share of the daughter. I leave it to the goodwill and to the honour of all the hon. Members of this House to decide whether it is desirable that we should take up the question again and say that the daughter shall get only half, instead of what has been provided for her already.

Shri Rane: In response to the appeal made by the hon Minister, I do not press my amendments and beg leave to withdraw them.

The amendments were withdrawn.

Mr. Speaker: What about the portion of the amendment dealing with the share of the father and mother?

Shri Pataskar: I do not want to rule it out, because mother was there in Class I at one time. We will consider it when we come to the Schedule.

Shri S. S. More: We are not committed to it, because the hon. Member is not pressing his amendments.

Shri H. G. Vaishnav: There is my amendment to clause 10.

Mr. Speaker: I think it is not moved. Therefore, the question of the share of the father and mother will stand over. There is Mr. Deshpande's amendment that the daughter shall be given one-fourth share and Mr. Altekar's amendment providing for half share.

Shri Altekar: I have not said that the share should be half. My amendments are with respect to the daughter's son and daughter's daughter. They can be discussed at the time of the consideration of the Schedule. They do not come here.

Mr. Speaker: There is his amendment No. 107.

Shri Altekar: It is not my amendment.

Mr. Speaker: It stands in the names of Shri G. S. Altekar and Shri M. D. Joshi; so, it is supported by another Member. It reads,

> Page 6, line 10, *for* "daughters" *substitute* "unmarried daughters".

In his enthusiasm, the hon. Member may say anything now; but to say that he had not tabled it is wrong.

Shri Altekar: I would like to withdraw my amendment.

The amendment was, by leave, withdrawn

Shri V. G. Deshpande: I would also like to withdraw my amendment. The question about the married daughter can be considered when we come to the Schedule.

The amendment was, by leave withdrawn

Mr. Speaker: The question about the share of the daughter must be settled now. When we come to the Schedule, the question about the share of the father and mother can be taken up there. We have had sufficient discussion on the share to be given to the daughter; I will now put it to the vote of the House. So far as the share of the daughter is concerned, it should be settled here and now. All the hon. Members have withdrawn their amendments. Is there any other hon. Member who wants still that the share should be reduced to half and so on?

The amendments were, by leave withdrawn

Shri S. S. More: Shri Deshpande has withdrawn his amendment subject to the condition that it should be considered in the Schedule.

Shri Tandon: Is it your ruling that by withdrawing their amendments seeking to add the word "married" before the word "daughter", the proposers of those amendments will lose their right of proposing the same amendments at the time the Schedule is considered? I want you to make that point clear, because it seems to me that that amendment is being withdrawn here on the supposition that it will be discussed when the Schedule is considered.

Pandit Thakur Das Bhargava: Yes.

Mr. Speaker: Having spent so much time, I am not going to allow this kind of indulgence to bring the matter again at the time when the Schedule is considered, so far as the daughter's share is concerned. Let us understand what exactly the position is. Under Rule 2 of clause 10, the surviving sons and daughters of the intestate shall take each one

share. The word "daughter" is unqualified and includes both married and unmarried daughter. If any hon. Member wants to say that it shall be restricted to unmarried daughters, here and now the amendment must be tabled. If the hon. Member Mr. Tandon objects, or for that matter, if even a single hon. Member objects to the withdrawal of the amendment, I will put it to the vote of the House. Let it not be said, "So many hon. Members have withdrawn their amendments; but, the other hon. Members have proceeded on the footing that the amendment is there." Let it not be said that by a side way, this matter was not brought before the House. Let the opinion of the House be taken, after having discussed the matter at such great length. If he says that notwithstanding the fact that so many people have withdrawn there is one opposition, I have no objection to put it to the House. The sponsors of the amendments have withdrawn. If the amendments are withdrawn, married or unmarried daughter gets a full share and not a half or one-fourth share. If any hon. Member wants me to put it to the House, I will have to put it to the vote of the House. I am not going to allow any opportunity to raise this point during the discussion of the Schedule.

Pandit Thakur Das Bhargava: With your permission, may I suggest one thing? We were discussing clause 6. The hon. Minister said, subject to the decision on the Schedule, this decision is accepted. When we are on clause 10, we accept this decision subject to the decision on the Schedule. In regard to the amendment for the substitution of unmarried for the married daughter I have not spoken because that was your ruling.

Mr. Speaker: It was not.

Pandit Thakur Das Bhargava: It was.

Mr. Speaker: Order, order. hon. Members will kindly note that rule 2 is clear and specific; the surviving sons and daughters of the intestate shall each take one share. If any hon. Member wants to qualify the daughter by the word unmarried or married or qualify the share by making it one-half or one-fourth, here is the occasion for doing it. Amendments have been tabled. The question of married or unmarried daughter was also discussed.

Pandit Thakur Das Bhargava: They are tabled to the Schedule.

Mr. Speaker: Hon. Members may table amendments to various portions.

Pandit Thakur Das Bhargava: My humble submission is, suppose we agree that the daughters do not come in at all and daughters are not given a right, we are not debarred by clause 10 or clause 6.

Mr. Speaker: I have already said that, Having passed clause 10, nobody will have the right to dismiss the daughter from the Schedule.

Pandit Thakur Das Bhargava: If that is the ruling now, we should be given an opportunity to place our view in regard to this matter. We have not discussed this question because we thought that all these decisions under clause 10 are subject to the decisions in regard to the Schedule.

Mr. Speaker: No, no.

Pandit Thakur Das Bhargava: In respect of father and mother also, that is the ruling.

Mr. Speaker: Father and mother: that is a different matter. So far as the father and mother are concerned, they are not affected either by clause 9 or clause 10. If the father and mother can be transposed from class II to class I, the language of clause 9 or 10 may stand without any further modification. If the language of clause 10 requires modification, I said here and now I will have amendments tabled, discussed and decisions reached.

Shrimati Renu Chakravartty: Are we to understand that at the time of the discussion of the Schedule, what can be discussed is whether any particular entry can be lowered or taken from class II to class I and that would be more or less the limit of the discussion?

Mr. Speaker: Not that alone. Wherever the expressions son, daughter, are used in the clause here, the daughter's daughter or the daughter's son can be transposed from class II to class I. But, once the House accepts daughter and son, this cannot be raised.

Pandit Thakur Das Bhargava: Kindly see rule 3. We have not discussed the branches.

Mr. Speaker: Rule 3 is that the heirs in the branch of each predeceased son or each predeceased daughter of the intestate shall take between them one

[Mr. Speaker]

share. If hon. Members object to the daughter being there, I have no objection to allow that amendment even here.

Pandit Thakur Das Bhargava: We have given amendments to the effect that all these daughters' and son's daughters' shares should be removed. According to the ruling we will not be able to discuss that also.

Mr. Speaker: If they want to discuss under rule 3, I have no objection.

Pandit Thakur Das Bhargava: Under the Schedule, we will discuss.

Mr. Speaker: Let us understand clearly what is it that we are reserving for consideration at the time of the Schedule. Even they, I would say, must have been discussed under rule 3. Rule 3 is specific.

Pandit Thakur Das Bhargava: This matter has not been discussed.

Mr. Speaker: Rule 3 will be reserved. As regards rule 2, half share etc. ....

Pandit Thakur Das Bhargava: That would mean that those persons who thought that according to your ruling these matters can come up and be discussed would be prejudiced. We did not speak on this question of married and unmarried daughters on the basis of your ruling. That is the ordinary rule. When two things come up and they are the subject of the Schedule, the Schedule is the deciding factor. If the Schedule is carried, it goes to the clause also. That is the ruling.

Mr. Speaker: I never gave any such impression. As a matter of fact, the House has passed clause 6. No assurance was given here that if the Schedule is modified, clause 6 will be modified. How can we modify?

Pandit Thakur Das Bhargava: This question I put to you. I wanted an assurance from the Minister and an assurance was given on the floor of the House. If you will kindly see the proceedings, you will find that it was said that subject to the decision on the Schedule, this shall be voted. You will please see the proceedings.

Shri S. S. More: On the contrary, I rose to a point of order when the Schedule was sought to be discussed, according to the proper procedure, the other relevant clauses ought to be passed and then only we can approach with a proper mind the Schedule. My hon. friend tries to reverse the process. All the clauses are to be left suspended; then we discuss the Schedule and in the light of the Schedule, we discuss them. How is it?

Pandit Thakur Das Bhargava: I am not reversing. I raised the point on the floor of the House for getting an assurance that we will get the decision changed if the Schedule is not passed. It was on that assurance that we proceeded. You may please see the proceedings of the House.

Mr. Speaker: I will now put the share of the daughter.

Shri Altekar: I want one clarification. I have moved amendment No. 133 that sons of a predeceased daughter and, daughter of a predeceased daughter should be removed from the Schedule. I want to know whether that would be affected by this decision here.

Mr. Speaker: I am not prepared to give a hypothetical ruling.

Shri V. G. Deshpande: I want to press my amendment. I would like to press it so far as the unmarried daughter is concerned. Or, we may be given time to give another amendment that in the place of daughter, unmarried daughter may be substituted. My amendment is that an unmarried daughter should get one-fourth share. There may be some Members who would like to have an equal share, but would restrict it to an unmarried daughter. These can be done if I am given an opportunity just now or the next day. I say, only for voting. That can be done. Why do it in a hurry? There was confusion about the Schedule.

Mr. Speaker: So far as Shri V. G. Deshpande is concerned, I said I shall take up only rule 6 of amendment No. 106 where he says surviving unmarried daughter, one-fourth share.

Shri V. G. Deshpande: I want only about unmarried daughter.

Mr. Speaker: Surviving unmarried daughter one-fourth. There is no doubt. Unmarried or married: that is what Pandit Thakur Das Bhargava wants to reserve for the schedule. It is now 3-35. It will stand over till tomorrow or next day. Now, the House will take up Private Members'.

FACTORIES (AMENDMENT) BILL*

(AMENDMENT OF SECTIONS 51, 54 and 59)

Shri T. B. Vittal Rao (Khammam): I beg to move for leave to introduce a Bill further to amend the Factories Act, 1948.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Factories Act, 1948."

The motion was adopted.

Shri T. B. Vittal Rao: I introduce the Bill.

ELECTRICITY (SUPPLY) AMENDMENT BILL

(AMENDMENT OF SECTION 77 ETC.)

Mr. Speaker: The House will now resume further discussion of the motion moved by Shri Sadhan Gupta on the 20th April, 1956 that the Bill further to amend the Electricity (Supply) Act, 1948, be taken into consideration.

Out of 2½ hours allotted for discussion of the Bill, one hour and six minutes were taken up already and the balance is one hour and 24 minutes. Shri Hathi may continue his speech.

The Deputy Minister of Irrigation and Power (Shri Hathi): Mr. Speaker, on the last occasion, on 20th April 1956, while replying to the motion, I was referring to the judgment delivered by the Labour Appellate Tribunal and was explaining how, in view of the latest judgment, this Bill is not at all necessary. I will not recapitulate all the facts which I stated then. It is stated in the Statement of Objects and Reasons of this Bill that bonus was considered to be an item not admissible under the various items mentioned in the Sixth Schedule and therefore the workers in the electricity supply industry have been deprived of the right to get the bonus. After the particular judgment which is referred to in the Statement of Objects and Reasons another judgment was delivered by the Full Bench wherein they have reversed the earlier judgment. But before that, as soon as it was brought to the notice of Government that the Appellate Tribunal had held that the payment of bonus was not an item of expenditure admissible, we took up the matter with the Ministry of Labour and the Ministry of Law. The Irrigation and Power Ministry also thought that the employees working in the electricity supply industry should be entitled to bonus as other employees in other industries are. Ultimately we were advised by the Law Ministry that the item of payment of bonus is an admissible item of expenditure. This, therefore, sets the whole question at rest.

The intention of the Mover of this Bill is to set right a lacuna which he thought was existing in the Act, but according to the later judgment, and Government also, bonus is an item admissible. Subsequently we have also introduced a Bill, the Electricity (Supply) Amendment Bill, 1955 where in order to make the position clear we have mentioned that this item will be an admissible item. Therefore, there is really no necessity for such an amendment.

The second amendment which the hon. Mover wants is to the effect that no bonus should be paid to any employee drawing more than Rs. 1,000 per month. The arguments advanced by him were that in a particular company, *i.e.*, the Calcutta Electric Supply Corporation, there are many foreigners drawing more than Rs. 1,000 and bonus is being paid to them, or it may be paid to them. I would like this House to consider whether we should draw a distinction between an employee drawing Rs. 1,000 in the electricity supply industry and an employee working in some other industries and drawing more than Rs. 1,000. If people working in other industries and drawing more than Rs. 1,000 are entitled to bonus, would it be fair to deny such bonus to the people working in the electricity supply industry who are drawing more than Rs. 1,000? Or, do we want to minimise the importance of our people electricians? There might be many who might be drawing more than Rs. 1,000, and simply because a few foreigners would be getting the benefit of this bonus, should we deprive our own people who are entitled to draw the bonus? How many such foreigners would there be in the country in the electricity supply industry? And do we want to say that if others are being paid more, our people should not be paid more, that they should not draw more than Rs. 1,000? If people in other industries are entitled

*Published in the Gazette of India Extraordinary, Part II, Section 2, dated 4-5-1956.

The whole object of this Bill is mainly people working in the electricity supply industry of the right of getting bonus? This sort of discrimination would not at all be desirable.

The third amendment which the Mover of this Bill wants is to add one more clause in section 77 of the Act :

> "or by the President or Secretary of a registered Trade Union of the employees of the licensee or other persons against whom the complaint is made".

The whole object of this Bill is mainly one, and that is that the workers in the electricity supply industry should be entitled to bonus. That is the whole object of this Bill as is mentioned in the Statement of Objects and Reasons. It is also with a view to remove a lacuna, as has been stated. Legally, there is no lacuna. The law is clear. It has been declared by the Labour Appellate Tribunal that this is an item admissible, and there is no question of its non-admissibility. He thought that if this was not admissible, it should be made admissible, and having made it admissible he put in another clause: "all expenditure incurred on account of payment of bonus to employees earning less than one thousand rupees a month exclusive of such bonus". This entry he wanted to add, but indirectly he also wanted to add that bonus should not be paid to persons drawing more than Rs. 1,000.

> "if any licensee or other person pays any bonus except as permitted by sub-clause (xiii) of clause (b) of sub-paragraph (2) of paragraph XVII of the Sixth Schedule, he shall be punishable with imprisonment which may extend to three years or with fine which may extend to fifty thousand rupees or with both."

So, that is the penalty for not following or complying with the provision. That is, if anybody pays a bonus to a person drawing more than Rs. 1,000 it is an offence punishable. And he wants that the prosecution of this offence should be launched by the President or Secretary of a registered trade union. Section 77 makes various provisions under which the prosecutions could be launched, but they are for certain reasons, for not complying with the directions of the Board or failing to keep the accounts in a particular way etc. These are some of the reasons for which prosecution has been provided. But prosecution only for this purpose, that is for the purpose of prosecuting an employer who pays bonus to employees drawing more than Rs. 1,000, and that too empowering certain Presidents or Secretaries of certain unions, would be interfering with the normal administration of the electricity supply industry. This is generally the function of the State Electricity Boards, or, where the Board does not exist, of the State Governments. This is not such an offence that anybody could launch a prosecution. There are other ways open for proceeding against the person who fails to comply with the particular provision. But in view of the latest decision, in view of the Government's view that bonus is admissible and in view of the fact that we have already introduced a Bill where this item has been made admissible, there does not exist any reason for the main amendment, and therefore, all the subsequent minor amendments which generally flow from the main amendment are also not necessary.

The question, therefore, is very clear. I do not think I should repeat at length the other points which I had mentioned earlier. The whole thing centres round only one thing, namely whether this bonus is an admissible item of expenditure or not. Now, it has been held to be an admissible item. Therefore, there is no question whether they should be paid bonus or they should not be paid bonus. They have to be paid bonus, and it would be treated as an expenditure.

The whole question arose because under this Act, 'clear profit' had been defined to be the difference between income and certain expenditure only; and various items of expenditure had been mentioned which alone could be taken as real expenditure. So, this item was not considered to be an expenditure. But since it has now been held to be an item of expenditure, there does not remain any doubt whatsoever.

So, it is not necessary for me now to reply to the other points which my hon. friend has made, namely that a particular company is making so much of profit and yet it does not give any bonus or anything of that sort and so on. That is not a point which I need go into now. That would have been a very relevant point if it were a question to be decided whether bonus was an admissible item

of expenditure or not, or whether they should or should not pay. But now that point is clear.

I do not want to take any further time of the House. I would say in conclusion that this Bill is not necessary in view of the circumstances which I have mentioned.

Shri Sadhan Gupta (Calcutta—South-East): That the object of this Bill is an unassailable. One would be clear from the fact that no one has really spoken against the Bill, and the only speaker Shri Tek Chand, who spoke against the Bill, attacked it in its most inessential part. He opposed the Bill outright, but did not attack the essence of the Bill, namely the clause which authorised expenditure on account of the payment of bonus to workers.

Shri Tek Chand waxed very eloquent and with great emphasis opposed the Bill, because, according to him, there were some absurdities in the amendment to section 77(1), which, as the Minister has pointed out, is merely an ancillary amendment or a kind of consequential amendment to the amendment which I have proposed in the Sixth Schedule, which is a substantial amendment to the Act for the purpose of enabling bonus to be paid to workers.

Shri Tek Chand's reasonings were were very surprising to me. It is very surprising that an eminent parliamentarian and a lawyer of his stature should argue that it was something absurd that I was seeking to penalise kindness, that I was seeking to impose such a heavy fine for paying one's own money to one's own employees. He also made an argument, which, if I may say so, was really a demagogic argument, that if bonus was paid to a person earning up to Rs. 1,000, nothing happened, but if it was paid to a person earning Rs. 1001, then the penalty came in.

I shall try to answer this point in short. The reason for which I sought to impose a penalty on payment of high bonus was that firstly it was unjust that when workers earning small incomes did not get any bonus, people who were already highly paid should run away with a big sum of money, and secondly—that was more important—that people earning more than Rs. 1,000, who were mostly foreigners, and who were engaged in foreign companies, should be allowed to drain our financial resources in this manner. When these considerations are involved, I emphatically maintain that no question of kindness arises. You cannot be kind with money which you get from the consumer by charging them for the electricity which you have a monopoly of supplying, and then be kind to people who do not deserve it. That is not the socialistic pattern. That is not good for society. Therefore, I make no apology for seeking to penalise payment of bonus to high-salaried people, particularly when they are foreigners.

The second point he urged was why should there be no penalty for payment of bonus to people earning Rs. 1,000 but a drastic penalty for payment of bonus to people earning Rs. 1,001. As a lawyer, I would refer him to various provisions of the Indian Penal Code. For example, if an animal is valued at Rs. 49-15-9, and you kill it, you come only within the law of mischief, and so, you have a very small punishment. But as soon as it is valued at Rs. 50, you come under section 429 of the Indian Penal Code, and you are subject to a penalty of five years. What is the rationale behind it?

Similarly, under section 436 of the Indian Penal Code, a distinction is made between property valued at Rs. 100 and above, and a property valued below that. What is the rationale behind that? You must fix some limit by law, and if that limit is exceeded, then another provision of law, a more drastic one at that comes into being. When you legislate, you cannot provide for marginal cases. Marginal cases will be provided for by the conscience of the judge, who will pronounce judgments. The judge will not pronounce a sentence of five years for a man who had killed an animal which is valued just at Rs. 50, and he would perhaps pronounce a judgment of five years, if the value of the animal or the utility of the animal killed was great. This disposes of Shri Tek Chand's argument.

Of course, I am persuaded by certain arguments of the Minister. Regarding section 77, my idea in bringing forward an amendment seeking to penalise high bonuses was that foreigners might get away with a huge amount of funds from our country by way of bonuses. In the Industrial Policy Statement, I find that generation of electricity is to be a national undertaking. I hope that in this way, the

existing undertakings of foreigners will be gradually taken over, and then this kind of provision will not be necessary. So, I am prepared to dispense with that provision also.

4 P.M.

Regarding the essential point, namely the amendment to the Sixth Schedule which I have introduced for the purpose of paying bonus, I would seek only one clarification from the Minister. If that clarification is satisfactory, I am prepared to withdraw this Bill. The clarification that I seek is this. At present, I find that it has been decided that the expenditure on account of payment of bonus is an allowable item of expenditure because it is admissible for the purposes of income-tax relief. But what troubles me is this. There are disputes pending for a long time. Usually in bonus disputes, the claim for bonus hangs on and the claim is awarded by a tribunal and the bonus disbursed for the year in respect of which it is due in subsequent years, sometimes two or three years later. I want to know from the Deputy Minister whether bonus in respect of past years will be covered by the income-tax law, whether such bonus will be admissible for income-tax relief if it is not admissible it will not be an item of expenditure which will be admissible under the Electricity (Suppy) Act. I know of many cases in which the question of bonus from 1952 onwards is pending. Will disbursement of money in 1956 on account of bonus payable in 1952 in respect of the year 1952 be admitted as an item of expenditure? To guard against any contingency in this respect, I propose to make my amendment to the Sixth Schedule retrospective from the beginning of this Act. The result would be that all employers who had many disbursements or who will hereafter make any disbursements on account of bonus will be able to justify their disbursements under the amendment I propose. If it is not covered by the income-tax laws, may I have this assurance from the Deputy Minister that at the time the Government bring forward their amending Bill, this provision will be made retrospective in order to remove the obstacle? That is to say, if the Government find that disbursements in respect of past years' bonuses are not admissible under the income-tax law, are the Government prepared to permit such disbursements in respect of past years' bonuses by a retrospective amendment?

I would ask the Minister to consider this. There is no danger in it. It is not against the employers. It is in favour of the employers who want to give bonus to their employees in respect of past years. If I have this assurance, I shall be prepared to withdraw not only my amendment regarding section 77 but also the whole Bill because then it will no longer be necessary. So I would request the Deputy Minister to give his opinion on this point.

Shri Hathi: The last point raised by him is rather a new point. In the provision in the Bill which he moved for consideration, there was no question of giving retrospective effect.

Shri Sadhan Gupta: Oh, yes—'shall be deemed'.

Shri Hathi: But then, naturally all the pending cases will be governed by the latest judgment delivered by the Appellate Tribunal. You know the position if employees go to a court of law and then do not pursue the matter further, to the higher court. The position of law as existing and as declared by the particular competent court will remain unless it is set aside or reversed in appeal. That is the legal position. At present, the position is that the Appellate Tribunal has reversed the previous judgment and, therefore, all the future cases will be governed by this judgment. So far as the pending cases are concerned, whatever legal remedies are available to the employees will naturally be open to them.

Shri Sadhan Gupta: But will Government consider this at the time of bringing forward the amending Bill?

Shri Hathi: The judgment is there. Whether the Bill which we have introduced is passed or whether this Bill is passed, the position is already there existing. We need not wait till the Bill is passed.

Shri Sadhan Gupta: In the judgment it is not clear whether in respect of past years, the grant of bonus will be protected. It is quite clear that in respect of bonus for that particular year, the expenditure is protected. But if that expenditure has to be incurred in respect of a past year, the accounts of which are closed, then can it be included in the account of the subsequent

years in respect of which income-tax returns will have to be given? I only want an assurance—I think there should be no difficulty in giving it—that in such a case, if there is any obstacle discovered the Government will in their amending Bill provide for it. If there is no such case, then there is no question of providing for it. I only want an assurance that it will be provided for, if it is discovered.

Mr. Speaker: What is the upshot now? We are going on exchanging views?

Shri Hathi: I have said what I had to say.

Mr. Speaker: Does the hon. Member want to withdraw the Bill in view of the statement of the hon. Deputy Minister?

Shri Sadhan Gupta: Yes.

Mr. Speaker: Has the hon. Member the leave of the House to withdraw the Bill?

Several Hon. Members: Yes.

The Bill was, by leave, withdrawn

PROCEEDINGS OF LEGISLATURES (PROTECTION OF PUBLICATION) BILL

Mr. Speaker: The House will now proceed with consideration of the Bill to protect the publication of reports of proceedings of Parliament, State Legislatures and their Committees, as reported by the Select Committee.

I want to take the opinion of the House on the allotment of time for this Bill. Originally the time allotted was 4 hours. For reference to the Select Committee, we have taken 3 hours and 53 minutes. Only 7 minutes are left. How long will this whole Bill take?

Shri Feroze Gandhi (Pratapgarh Distt. West *cum* Rae Bareli Distt.-East): I would like that the time allotted for consideration and passing of this Bill be extended by one hour, if the House agrees.

Several Hon. Members: Yes.

Mr. Speaker: Very well, 1 hour and 7 minutes.

Shri Kamath (Hoshangabad): 1½ hours.

Shri Sadhan Gupta (Calcutta—South-East): It is an important Bill. Many Members may be willing to speak.

Shri Feroze Gandhi: If more time is wanted, I have no objection.

Pandit C. N. Malviya (Raisen): We should have 2 hours at least.

Mr. Speaker: We will have 1½ hours.

Shri Feroze Gandhi: I beg to move:

> "That the time allotted for the consideration and passing of the Bill be extended by an hour and a half."

Mr. Speaker: The question is:

> "That the time allotted for the consideration and passing of the Bill be extended by an hour and a half."

The motion was adopted.

Mr. Speaker: This means that we are actually extending it by 1 hour and 23 minutes because 7 minutes are already available. Discussion of this Bill will be concluded at 5-30 p.m. During the other half-hour, other work relating to Private Members' business will be taken up.

Shri Feroze Gandhi: I beg to move:

> "That the Bill to protect the publication of reports of proceedings of Parliament, State Legislatures and their Committees, as reported by the Select Committee, be taken into consideration."

अध्यक्ष महोदय, मुझे हाउस (लोक सभा) का ज्यादा समय नहीं लेना है और बहुत थोड़ी सी ही बातें कहनी हैं। सिलैक्ट (प्रवर समिति) ने जो रिपोर्ट (प्रतिवेदन) इस बिल (विधेयक) पर दी है, उस रिपोर्ट से मैं सहमत हूं। मेरा खयाल है कि जो रद्दोबदल इस कमेटी ने की है, वह ठीक है। खास चीज जो सिलैक्ट कमेटी ने बदली है वह उस हिस्से पर लागू होती है जो कि स्टेट लैजिस्लेचर्स (राज्य विधान मंडलों) से सम्बन्ध रखता है। इस बारे में सिलैक्ट कमेटी ने काफी गौर किया और भिन्न भिन्न राज्यों ने जो रायें दी उनको देखते हुए यह ठीक ही समझा गया कि फिलहाल इस बिल को इसी हाउस की और राज्य सभा की कारवाइयों को प्रोटेक्ट (संरक्षित) करने के लिये रखा जाये।

कई राज्यों न इस विषय में अपनी राय दी है । ऐसा मालूम होता है कि जो छोटे छोटे राज्य हैं, वे तो इस बिल से सहमत 'ह और उन्हें कोई खास एतराज नहीं है, लेकिन जो बड़े-बड़ राज्य हैं, वे कुछ खिलाफ मालूम होते हैं । मेरी राय वह है कि इस बात को देखते हुए यह ज्यादा अच्छा होगा कि मौजदा हालत में स्टेट्स (राज्यों) को और स्टेट लैजिस्लेचर्ज को हम इस बिल में से निकाल दें ।

एक बात की सफाई में लीगल एफेयर्ज के माननीय मिनिस्टर (विधि कार्यमंत्री) साहब से चाहूंगा । मेरा कुछ ऐसा खयाल था—और शायद मंत्री जी का भी कुछ ऐसा ही खयाल था—कि इस बिल के पास होने के बाद अगर कोई स्टेट लैजिस्लेचर यह चाहेगी कि वह इस बिल के प्राविजन्ज (उपबन्धों) को अपने यहां लागू कर दे, तो वह ऐसा कर सकेगी, प्रस्ताव से या बिल से । स्टेट्स अपने यहां एक नया बिल ला सकती हैं । अगर इस बारे में जरा सफाई हो जाती , तो अच्छा होता, क्योंकि मुझे इसमें कुछ दिक्कतें मालूम होती हैं । एक दिक्कत की ओर में इशारा करना चाहता हूं । मान लीजिये कि उत्तर प्रदेश की असेम्बली इस तरह का कानून बनाती है, तो वह कानून उत्तर प्रदेश राज्य की हद में ही लागू होगा । जो अखबार उत्तर प्रदेश राज्य के बाहर छपते हैं—जैसा कि यह वाकया है कि दिल्ली मे कई अखबार शाया होते हैं और उत्तर प्रदेश राज्य में सर्कुलेट (परिचालित) होते हैं—अगर वे उत्तर प्रदेश लैजिस्लेचर की कार्यवाहियों को छापते हैं, तो मेरा खयाल है कि उत्तर प्रदेश राज्य के कानून से वे अखबार बचेंगे नहीं । ये अखबार उस लेजिस्लेचर की कार्यवाहियोंको अगर छापेंगे, तो वह एक्शनेबल (कार्यवाही करने योग्य) होगा । यह बात सामने आई और मेरा खयाल है कि जब भी हम इस कानून को स्टेट्स के ऊपर लागू करेंगे, तो वह कानून भी यही बनाना पड़ेगा और स्टेट लैजिस्लेचर्स इस कानून को नहीं बना सकती हैं। यह कानून बनाने का हक उनको है, लेकिन उस कानून की पूर्ति वैसे नहीं हो सकेगी, जैसी वे चाहेंगे ।

[MR. DEPUTY-SPEAKER *in the Chair*]

सिलेक्ट कमेटी ने इस बिल में कुछ तरमीमें की हैं । मेरा खयाल है कि उससे यह बिल पहले की निस्बत कुछ अच्छा हो गया है । मैने देखा हैं कि इस बारे में अमेंडमेंट्स (संशोधनों) कि बड़ी बौछार की गई है । जब वे अमडमेंट्स सामने आयेंगे, तो उनके बारे में मुझे जो कुछ कहना है, वह कहुंगा । फिलहाल मैं और कुछ ज्यादा नहीं कहना चाहता हूं ।

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to protect the publication of reports of proceedings of Parliament, State Legislatures and their Committees, as reported by the Select Committee be taken into consideration."

Shri S. S. More (Sholapur): Sir, may I make a suggestion? So far as the consideration stage is concerned, there is hardly anything much that we can say. But, we have suggested some amendments. In view of the shortage of the time at our disposal, if all the time is devoted to the amendments, it would be much better and we shall get some chance to improve the Bill.

Mr. Deputy-Speaker: If that is the desire of the House, then, we might adopt the motion and then proceed to the clause by clause discussion.

Mr. Sadhan Gupta: It is only clause 3 which is the main clause on which we may have to speak.

Mr. Deputy-Speaker: The question is:

> "That the Bill the protect the publication of reports of proceedings of Parliament, State Legislatures and their Committees, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill

Clause 3.—(*Publication of Reports of Parliamentary proceedings privileged*)

Shri Sadhan Gupta: Sir, clause 3 is the most important part of the Bill and, I think it may be called the essence of the Bill. When this Bill was brought forward, we had great hopes from it because we thought that, after all, a blot on our law was being removed and what obtains in every civilised State would also obtain here, namely, that there should be freedom of publication of proceedings which takes place in this Parliament and in the other Legislatures. We had great hopes that the Select Committee would make this Bill perfect; but, we are very thoroughly disappointed. The more I try to fathom the principles which the Select Committee followed in amending this clause the more I get confused, the more I get perplexed.

What is the principle behind this Bill? With what object was this Bill brought? This clause was based on the well-known British decision in Wason *v.* Walter. That decision proceeded on a particular principle and I thought that this clause is based on that very principle. I am not for copying everything British. Unfortunately, we have too much of a tendency of that kind. But, I will not be against borrowing and adopting anything from foreign countries which is beneficial and which is good and noble as a principle. This decision laid down a very good and salutary principle. What is that principle? The principle was that a defamatory statement which occurs in parliamentary proceedings or in judicial proceedings for the matter of that—must be allowed to be freely published, subject, of course, to malice, public good and all that. But, it must be allowed to be freely published because, it was stated, the inconvenience which might be caused to a particular person was outweighed by the convenience and advantage of publicity. The underlying motive is this. The electors send their representatives to Parliament and they participate in the proceedings of Parliament. There are debates over different matters and what takes place in those debates is the interest of the public to know. What is the public to do if after voting for a Member, after sending him to Parliament or to a State Legislature, they are to be kept completely in the dark as to what he is doing there ? That is the reason why it has been held in England that proceedings in Parliament should be allowed to be published. Of course, there may be malice. Something may be done maliciously, but that is a different matter. But if it is published in good faith, then there should be no restriction over it. Under the circumstances, what principle the Select Committee followed in excluding the State Legislatures, in excluding the Committees of the Houses, Committees even of this House, from the purview of the law it is impossible to fathom.

Shri Feroze Gandhi has stated—and that seems to be the proper reason—that many of the big States were in opposition. May I humbly ask: Is it the concern of the State Governments as to what we should do in Parliament? What are we legislating for? Is it because it will be convenient to a State Government or inconvenient to a State Government ? We are legislating to establish a salutary principle that the proceedings of Parliament or for the matter of that of the Legislatures should be allowed to be known to the public. How does the State Govt. come in this matter? Have the State Governments any right to judge what is for the benefit of the public? What difference is there between Parliament and a State Legislature? It is stated that this Parliament is sovereign; but so are the State Legislatures. There is no difference in sovereignty between this Parliament and the State Legislatures. The only difference is in the lists and the territory to which the legislation is confined. Otherwise, in every respect, the Parliament and the State Legislatures are as sovereign as each other. Secondly, they are both elected on adult franchise. Thirdly, the voters have as much interest to know what is happening in Parliament as to know what is happening in the Legislatures. It is the same electorate that sends the Members to both these places. Can we say that they are interested to know something defamatory which is being uttered in Parliament and they are not interested to know something defamatory which has been uttered in a Legislature? Can we draw any distinction between the Members of Parliament and other members of Legislatures on the score of their responsibilities? We cannot. What is the reason for excluding the State Legislatures? Can the Government really say that we shall let the electorate know so much and no more? I think this submission or surrender to the unjust and unfair machination of the State Government has been a very condemnable thing, and the Select Committee deserves condemnation for such surrender.

It may be said—I do not know whether it will be said—that all that I have stated about the necessity to know the debates in Parliament or the proceedings in Parliament and the Legislatures may be correct; but does that mean that even defamatory statements are to be known? Do they enjoy the same kind of privilege? Is it not proper that defamatory statements made in Legislatures at least should be prevented from being published? This very same argument was urged in the case of Wason *versus* Walter and the decision on that is very significant. I shall read out the relevant passage :

"It may no doubt be said that while it may be necessary as a

matter of national interest that the proceedings of Parliament should in general be made public, yet that debates in which the character of individuals is brought into question ought to be suppressed. But to this, in addition to the difficulty in which parties publishing Parliamentary Reports would be placed if this distinction were to be enforced, and every debate had to be critically scanned to see whether it contained defamatory matter, it may be further answered (and this is important) that there is perhaps no subject in which the public has a deeper interest than in all that relates to the conduct of public servants of the State. No subject of Parliamentary discussion, which is more required to be made known than any enquiring relating to it.. ....."

These are very clear words; these are very salutary principles that when the conduct of a public servant is under investigation, the thing should be made known to the public.

The reasons why the State Government have opposed this is clear. Many Ministers are corrupt and they want to the protection to have their deeds concealed and not to have publicity. But we cannot pamper them; we cannot agree to give them protection.

My amendments are Nos. 8 and 10. Regarding amendment No. 10, my object is to delete sub-clause (2) of clause 3, because the words "public good" are apt to take away the protection offered —public good is not a very definite thing. In England "public good" came in because this protection applied also to judicial proceedings and it first of all applied to judicial proceedings. In judicial proceedings, there are many scandalous matters which are really injurious to the public if published, but in Parliament there is hardly such a thing.

Lastly, we must remember that in Parliament or in the Legislatures we have well-set rules by which our debates are regulated. We are not allowed to defame people at will. So, there is no sense in exempting the State Legislatures, or exempting any committees of Parliament or of any State Legislature from the protection of this clause.

Mr. Deputy-Speaker: Shri Sadhan Gupta's amendments are Nos. 8 and 10. May I know what other amendments are intended to be moved?

Shri Kamath: Mine is No. 6.

Shri N. B. Chowdhury (Ghatal): I want to move Nos. 12 and 13.

Shri S. S. More: Nos. 7 and 9.

Shri .R. .D. .Misra (Bulandshaher Distt.): I want to move Nos. 1, 14 and 15.

Shri D. C. Sharma :(Hoshiarpur): I want to move No. 7.

Mr. Deputy-Speaker: That is already mentioned by Shri More.

Let these amendments be moved, before I call upon the next hon. Member, Shri More, to speak.

Shri Sadhan Gupta: I beg to move:

(i) Page 1, line 13—

after "either House of Parliament" *insert*:

"or of any House of any Legislature in India or of any Committee of any House of Parliament or of any House of any Legislature in India."

(ii) Page 1—

omit lines 15 to 17.

Shri Kamath: I beg to move:

Page 1, line 12—

for "true" *substitute* "correct".

Shri N. B. Chowdhury: I beg to move:

Page 1, line 13—

for "either House of Parliament" *substitute* "the Legislatures".

Shri S. S. More: I beg to move:

(i) Page 1, line 13—

after "either House of Parliament" *insert*:—

"or of a State Legislature or of either House of a State Legislature where it consists of two Houses or of any Committee of any of the Houses aforesaid."

(ii) Page 1, line 13—

after "Parliament" *insert*:

"or of any Committee of any of the Houses aforesaid."

Shri R. D. Misra: I beg to move:

(i) Page 1, lines 13 and 14—

for "unless the publication is proved to have been made with malice"

substitute "unless the publication is a gross or wilful misrepresentation of particular members' speeches or of what had passed in either House of Parliament and it is proved to have been made with malice."

(ii) Page 1—

omit line 14.

(iii) Page 1—

omit lines 15 to 17.

Mr. Deputy-Speaker: These amendments are before the House.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I made a statement this morning in which I indicated the order of legislative business after the passing of the Hindu Succession Bill. It has since become necessary to make a slight change in the order and I should like to announce it now. The change concerns the Representation of the People (Second Amendment) Bill. This Bill will be taken up before and not after the Life Insurance Corporation Bill.

PROCEEDINGS OF LEGISLATURES (PROTECTION OF PUBLICATION) BILL

Shri S. S. More: I have moved amendment Nos. 7 and 9, No. 7 is more comprehensive than No. 9.

[SHRI BARMAN *in the Chair*]

I was a Member of the Select Committee and I have written a minute of dissent along with three of my colleagues. My object is that this protection granted to the publication of the proceedings of the Parliament should further be extended to the State Legislatures. It was said in the Committee that some of the States were opposed to such an extension and therefore, it was left out. In paragraph 12, it says that it should be left to the States to enact, if they so think similar legislation concerning the publication of the proceedings of the State legislatures. Sub-clause (1) has, therefore, been amended accordingly by the Committee.

Unfortunately, the majority in the Select Committee did not see the implications of such a recommendation. Legislation regarding criminal law or Penal Law falls under List III—Concurrent List. What will be the result of leaving to the State Legislatures to pass a measure which will effectively give protection to such publication? The State Legislature, I am anticipating, can say that the proceedings of its assembly shall be protected if they are published in the newspapers. What will be effect? Suppose such a legislation has been passed in a State. There are all-India newspapers and newspapers which sell in almost all the States. When a member while speaking there, makes a defamatory statement, the aggrieved party may not be able to take any action, civil or criminal, in order to get redress against such a statement. The easiest way for him is to go out of the State and purchase a copy of the publication. Under the IPC, the place of publication is the place where he can get the cause of action. He will cross the border, purchase a copy and file a suit, civil or criminal. Then, the law passed by the Legislature will be ineffective.

I may anticipate another case, which it is quite possible to anticipate and visualise. State A may pass such a legislation while State B may not pass such a legislation. The proceedings of State B, if they contain certain defamatory matter, may be published in a news paper which may be selling in States A and B. It will not get any protection in B State while the same matter will be protected within the ambit of State A. All these cases have to be anticipated. It is no use saying that, in view of the limited jurisdiction of the State Legislatures, let this matter be left to them. I can understand this attitude about the other offences under the IPC, or the Criminal Procedure Code or the Civil Procedure Code where the law has only territorial application. Certain exemptions and restrictions have been imposed by the State Legislatures. But in such

a matter where the papers are sold all over the country, the larger the circulation, the greater will be the danger for the paper because a State may grant limited protection or it may not grant any protection. Even limited protection will be of little avail. It is for the Parliament to see whether it means business and whether it is honest and sincere about the protection which is sought to be granted. If it is good for Parliament, it ought to be so for the State Legislatures.

Our fundamental objective is this. We want to strengthen the roots of democracy. The publication of the proceedings is necessary for strengthening these roots. It is a part of educating our masters. We are sitting here and speaking on our own responsibility. The Chair is there to pull us, if we say something defamatory. The moment it passes the Chair, it must get the widest publicity possible so that our masters can judge us by our words. If that is not there, then our democracy will not gather strength. It will not be a thriving plant. It will be a plant which will be showing signs of anaemic developmnet. In the interest of democracy and also of giving fair protection to the Press, I would say that this House, as the sovereign body having control over every part of this country, should take up the matter in its own hand. It is a matter which deserves to be taken up by the whole House.

On previous occasions, we have used our power under the concurrent List for passing so many Acts which will after all be within the States' limits. In this particular measure, the justification for doing so is all the greater. I cannot understand the objection of the Government to extend this provision.

My submission is this. We may give some consideration to the will and desire of the States in such matters. But if we are too solicitous about giving weight to the opinion of the States, then our own measure will be stultified and it will not give all the benefit that we desire. That is my purpose in proposing amendment No. 7.

There is one more point—I am speaking in an alternative manner. In case this House is not pleased to accept amendment No. 7, regarding the proceedings of the Parliament, I contend further that not only the proceedings of the Parliament but the proceedings of the Select Committees, and the other Committees must be given this protection. Take for instance the PAC. It goes into different matters. On different occasions, it comes out with scathing criticism against an officer here or there, including Ministers. Then, there is the Estimates Committee. There also it is a sort of a searching enquiry into the affairs of the Ministries. If these also are protected, then they will be published in the newspapers and people will be in a position to know the state of affairs at Delhi.

Shri Feroze Gandhi: If the proceedings of a Committee, say the Estimates Committee, are placed on the Table of the House, they become part of the proceedings of the House.

Shri S. S. More: I am doubtful about the legal position. We have many provisions for the removal of doubts. We passed a clause in the Hindu Succession Bill for this purpose—the subclause in clause 4. It is no use, therefore, relying on possible implications. We should be explicit even at the cost of brevity. I would say that the Parliamentary proceedings, along with the proceedings of the Select Committees or other Parliamentary Committees, must be brought within the ambit of this Bill so that their publication, even if defamatory and otherwise not desirable from the point of ordinary law, should carry special immunity as far as their publication is concerned. So, I would very strongly recommend to this House that it should go the whole way and complete the process and finish the good work that it has taken on hand.

Mr. Chairman: Is it the intention that the proceedings of the Committees should be published?

Shri S. S. More: I mentioned the proceedings of all Committees.

Shri Tek Chand (Ambala-Simla): Mr. Chairman, Sir, so far as the principle underlying the Bill is concerned, it admits of no controversy. The question is, to what extent the liberty of the Press *vis-a-vis* the proceedings in the legislatures should be maintained and preserved.

Mr. Chairman: Order, order. The hon. Member may resume his seat. We have to finish the deliberations on this by 5-30 P.M. So, first of all I want to know how long the hon. Mover will take in his reply?

Shri Feroze Gandhi: Five minutes will do.

The Minister of Legal Affairs (Shri Pataskar): I will also require some time.

Shri Sadhan Gupta: Since the First Reading has been dispensed with, I do not think the Mover has any right of replying. Of course, he can reply on the amendments to each clause. Does he want to exercise that right?

Mr. Chairman: I was asking him about the time he will take for his final reply.

Shri Sadhan Gupta: You mean, after the Third Reading?

Mr. Chairman: Yes, at the end of the debate.

Shri Pataskar: I may be given some ten or twelev minutes.

Mr. Chairman: So, practically, we shall have to reserve 20 minutes for the hon. Minister and for the Mover. Therefore, if hon. Members will finish their observations by taking five minutes each, we will be able to accommodate more Members.

Shri Tek Chand: In five minutes we can hardly cover all the points, however I shall endeavour. Sir, why I crave your indulgence is, if I was merely supporting the Bill even five minutes would have been enough, but here I am making certain suggestions and subjecting the clauses to certain comments of a constructive though critical nature.

I would like to invite the attention of the hon. Mover, as also of the hon. Minister, to clause 3. In clause 3 you provide that if the report is substantially true, but without malice, it is privileged. I notice an essential contradiction, an essential difficulty about it. Supposing a report published in the Press is (a) for the public good, and (b) it is substantially true, then why do you insist upon the third condition that it must be without malice? The difficulty is this. Supposing in my newspaper I publish a substantially true report relating to a matter happening in the parliamentary proceedings pertaining to public good, I can still find myself on the wrong side of the law court simply because it will be said that I had some sort of ill-will, some sort of malice for the particular person with respect to whom the report is published, whereby another newspaper editor *vis-a-vis* whom that person may be an absolute stranger and he reproduces exactly the same thing, he will go scot-free. The subjective state of my mind should not affect the objective material. If there is something in my newspaper substantially true and for public good, whatever is the state of my mind, that should not be allowed to make me liable or guilty in any civil or criminal proceedings as the case may be.

In other words, the position will be this. You will start a roving at a probing enquiry into the mental condition of the person who has published the report. Is it possible for you? In most cases finding as to malice may be blurred, may be confused and it may not be easy to find out. Is it simply enough that one particular editor, on one particular occasion had some ill-will *vis-a-vis* him, and therefore anything that he writes, whether it be for the public good, will be undesirable and we will put him behind the bars simply because he had some kind of hostility? The hon. Mover is shaking his head. I want him to concentrate on the language of clause 3.

Shri Feroze Gandhi: The same language and the same kind of protection are there, as there are as far as the House of Commons proceedings are concerned. After this judgment in the case of Wason and Walter not a single case has arisen.

Shri Tek Chand: That not a single case has occurred in law courts is no ground for us to lend our signatures to a language of the law which is essentially incorrect and which will lead, in certain state of affairs, to contradiction. Therefore, this is a matter worthy of closer scrutiny, worthy of closer examination.

Shri Feroze Gandhi: You want this part regarding malice to be removed?

Shri Tek Chand: So long as it is substantially true and for public good, the question of malice does not arise. Malice being the state of mind, it is a subjective state and not an objective state, objective state being the material published which is for the public good.

Mr. Chairman: But there is something which is called 'malice in fact'.

Shri Tek Chand: Sir, I want you to examine this thing. Let us assume, with respect to an individual who has been the subject matter of adverse comment in this hon. House, an editor publishes something. Because the editor some five or six years ago had some passage towards him and they were not on at arms with him, had some ill-will speaking terms, the publication of that material, which is otherwise innocent, becomes guilty simply because of some unpleasantness, the publication not having anything to do with it. Therefore, it is sufficient guarantee, if (a) it is for public good, and (b) it is substantially true, the question of mental ill-will, mental animus does not really arise.

Secondly,—and I will be quick about it—you wish to exclude the States. By this you are really raising a veritable trap for the unwary editor giving him privilege with respect to one House of the legislature and depriving him with respect to another. This will be incomplete privilege and that being so, it will really be in the nature of a trap for the unwary.

Shri Thimmaiah (Kolar—Reserved Sch. Castes): Mr. Chairman, Sir, I rise to support the Bill moved by my friend Shri Feroze Gandhi. This is a new piece of legislation in our country and I am sure this legislation, when enacted, will make our parliamentary democracy more effective and provilde an opportunity for training the people to the form of Government under which they live.

This Parliament is a sovereign body and the House has got sovereign power. This sovereign power emenates from the people. The Members of the Parliament are the elected representatives of the people. As the source of the sovereign power is the people, the people have got every right to know what is going on within the four walls of this House. Therefore, the discussions and debates that take place here are to be communicated to the people correctly and accurately. It is the right of the people to know what is going on in the Parliament; what their representatives are doing and on which the welfare of the people depend.

It is true that the debates in this House have to be communicated correctly and accurately to the people and the machinery to communicate them and inform the public is the Press. When we, Members of Parliament enjoy immunity and protection from the speeches that we make in the Parliament, naturally, the newspaper also requires the protection, that being the instrument of educating the people and the carrier of real facts to all the corners of the country. The intelligentia of the country particularly expect that whatever is done in the Parliament is for the public good and for the benefit of the people. As such it is but right that this legislation should come. It is fully justified and it has to be passed by this House.

This legislation not only helps democracy to be more effective, but it also helps to some extent to tone up the administration. It also helps the progress of the country and the growth of democracy. As a Member of Parliament I can expose acts of corruption in the administration. I can expose before the House any anti-social activity which a particular person may indulge in, and the public will come to know the corrupt man and the activities of the anti-social elements in the country. Therefore, the effect would be, for fear of exposure corruption will be less and the anti-social activities also will become less in the country and in this way also it helps for the maintenance of progress and peace and the smooth working of the Government in our country.

When the Bill was first brought before the House, I thought this legislation would be uniform throughout the country and that it would apply also to the proceedings of the State Legislatures. But I see from the Bill that it is restricted to both Houses of Parliament and that it does not apply to the proceedings of State legislatures. After all, the deliberations, and the rules of procedure of Parliament and of the State legislatures are the same and the functions of the Parliament and the State legislatures are the same. The press is also the same. The press is well organised and it is for the press to communicate the proceedings of the State legislatures and of Parliament to the people. Therefore, I agree with the dissenting note given by some Members that it should also apply to the proceedings of State legislatures. Some amend-

ments have been moved by Shri N. B. Chowdhury to the effect that the provisions of this Bill should apply to the proceedings of State legislatures. I hope the mover of the Bill will accept those amendments and see that this legislation is made uniform throughout the country and that it applies also to the proceedings of State Legislatures.

श्री आर० डी० मिश्र : सभापति महोदय, मैं इस बिल का स्वागत करता हूं । इसके साथ ही साथ मैंने एक एमेंडमेंट दिया है कि इसमें यह जो मलिस (दुर्भावना) शब्द हैं, इसको इसमेंसे निकाल दिया जाय । इसका एक खास कारण यह है कि जब पार्लियामेंट की प्रोसीडिंग्स (कार्यवाहियां) जनता के हितमें छापी जाती हैं और यह मान लिया जाता है कि इनको छापना जनता के हित में है तो यह जरूरी हो जाता है कि जो कार्रवाई भी यहां होती है उसका इल्म जनता को हो और अगर इसका इल्म जनता को कराना है तो यह मैलिस (दुर्भावना) का जो पार्ट है वह अलग हो जाता है । इसमें यह कहा गया है कि अगर मैलिस साबित हो जाय तो मुकदमा चलाया जा सकता है और अगर मैलिस साबित नहीं होता ह तो नहीं चलाया जा सकता ।

दूसरी बात यह है कि अभी श्री टेकचन्द जी ने कहा कि इस चीज का कैसे पता लगाया जा सकता है कि यह मैलिस है । मैलिस शब्द की कहीं तारीफ नहीं की गई है । अगर आप मैलिस शब्द के डिक्शनरी मीनिंग को देखेंगे तो आपको पता चलेगा कि इसके माने इलविल, एनमिटी, मिसचिवस इंटेनशन के है । अब इलविल का मतलब यह है कि अगर किसी की दुश्मनी किसी एडीटर से है तो वह उस दुश्मनी के कारण उस एडीटर के खिलाफ मुकदमा चला सकता है और वह यह कह सकता है कि इसने बदनियतीकी वजह से यह चीज छापी है । तो जब आप यह चाहते हैं कि सच्ची सच्ची कारवाई छपे और साथ ही साथ वह पब्लिक गुड (लोकहित) के लिए भी हो ो आपको इस शब्द को निकालना ही होगा । इस वास्ते मैं उम्मीद करता हूं कि हाउस इस मैलिस शब्द को निकाल देगा और जो मेरी एमेंडमेंट इसके बारे में ह उसे मंजूर करेगा । इस वर्ड (शब्द) को यहां रहने देना मैं समझता हुं कि पब्लिक के हित में नहीं है ।

दूसरी बात वह ह कि वासन वर्सस वालटर केस में जजोंने यह तय किया है कि

> "The presumption of malice is negatived in the one case as in the other by the fact that the publication has in view the instruction and advantage of the public and has no particular reference to the party concerned.

यानी पब्लिक के हित में जो बात हो जाए, वह मैलिस नहीं रहता है । यह जजों की राय है । इसको देखते हुए भी इस शब्द का रखना पब्लिक के हित में नहीं है ।

मैं यह भी कहना चाहता हूं कि इसके सम्बन्ध में कई रूलिंग्ज वगैरह न्यायालयों में हो चुके हैं और बहुत से मौकोंपर एक बात पब्लिक-गुड में नहीं मानी गई है और दूसरी बात पब्लिक-गुड में मानी गई है । ऐसा ही एक केस बम्बई हाई कोर्ट के सामने आया था । वह केस आल इंडिया रिपोर्टर सन् १९४१ में पेज ४१० पर छपा है । यह केस है विनायक आत्माराम पथारे वर्सस शांताराम जनार्दन पथारे । इस केस में मैजिस्ट्रेट ने तो यह तय किया कि यह जो कार्रवाई छपी है वह पब्लिक हित में है और सच्ची है और उस मैलिस वर्ड को छोड़ दिया । इसके बाद रिवीजन में हाई कोर्ट में जब यह केस गया तो हाईकोर्टने यह फैसला दिया कि चूंकि यह कार्रवाई जहां वह अखबार छपता है वहीं न रह कर बम्बई तक भी पहुंच गई है और बम्बई तक इसका जाना जो है वह एक्सेसिव हो गया है, इसलिए यह पब्लिक-गुड में नहीं है । इस तरीके के अख्तयारात अदालतों के हाथ में रखना कि वे बताये कहां तक पब्लिक-गुड है कहां नहीं है और कितना पब्लिक-गुड है और कितना नहीं है, यह मैं समझता हूं कि गलत बात हो जाती है । तमाम हिन्दुस्तान में पार्लियामेंट की प्रोसीडिंग्स जानी चाहिये, यह जरूरी है ।

तिसरी बात यह है कि जो शेडयूल (अनुसूची) कांस्टिट्यूशन (संविधान) में दिया हुआ है उसमें कहीं पर भी स्टेट लैजिस्लेचर (राज्य विधान मंडल) की पावर्स (शक्तियों) में यह नहीं आता है और न ही जो पार्लियामट की लिस्ट (सूची) है उसमेंही आता है । दोनों लिस्टस में यह सबजेक्ट नहीं है । इसका मतलब यह हुआ कि आर्टिकल (अनुच्छेद) २४८ के मातहत यह पार्लियामेंट के अख्तयार में आता है और उसकी यह पावर है कि वह इस सम्बन्धमें कानून बनायें । इस वास्ते मैं चाहता हूं कि जो तमाम स्टेट लैजिस्लेचर्स (राज्य विधान मंडल) की प्रोसीडिंग्स (कार्यवाहियां) छापने के बारे में एमेंडमेंट (संशोधन) है, वह भी यह हाउस (सभा) तथा मूवर (प्रस्तावक) साहब मंजूर कर लें ।

पंडित सी० एन० मालवीय : सभापति महोदय, मैं अपनी ७ नवम्बर की एमेंडमेंट (संशोधन) को पेश करता हूं और उसके समर्थन में यह अर्ज करना चाहता हूं कि पार्लियामेंटने इस उसूल को तसलीम कर लिया है कि स्टेट लैजिस्लेचर्स की भी जो प्रोसीडिंग्स हों जैसे कोर्टस् (न्यायालय) की प्रोसीडिंग्स (कार्यवाही) छप सकती है, उसी तरह से वे भी छप सकती हैं। तो यह जो इस हाउस (सदन) की राय थी इसकी मुखालिफत करके सिलैक्ट कमेटी (प्रवर समिति) ने जो कुछ किया है, उसको मैं मुनासिब नहीं मानता हूं। साथ ही साथ जो युनियन लिस्ट (संघ सूची) है और जो स्टेट लिस्ट (राज्य सूची) है, वह दोनों अलग अलग हैं। यह सब्जेक्ट न स्टेट लिस्ट में आता है और न ही युनियन लिस्ट में आता है, यह कनकरेंट लिस्ट (समवर्ती सूची) में आता है। इस वास्ते अगर यह सवाल पैदा होता है कि हम इसे रियासतों की लेजिस्लेचर्स की मंजूरी के बगैर नहीं कर सकते तो मैं समझता हूं कि कनकरेंट लिस्ट को रखने का कोई मतलब ही नहीं रह जाता है। आज जब हम तमाम भारतवर्ष-में एक ऐसा वातावरण पैदा कर रहे हैं कि जिस में डेमोक्रेसी (लोकतन्त्र) आगे बढ़े और जब हम चाहते है कि गलत किस्म की चीजें न छपें और इन्हीं उसूलों को लेकर जो यह बिल यहां पेश किया गया है तो मेरी समझ में नहीं आता कि स्टेट लैजिस्लेचर्स की प्रोसीडिंग्स को क्यों हम इससे एग्जम्प्ट (विमुक्त) करना चाहते हैं। कनकरेंट लिस्ट में जब यह सबजेक्ट (विषय) सिविल एंड क्रिमिनल प्रोसीजर कोड, एक्शनेबल रांग्स एंड न्यूजपेपर्स (अभियोज्य दोष और समाचार पत्र) आते हैं तो इसका मतलब यह है कि हम इस कानून को बनाने के बाद इसे सारे हिन्दुस्तान पर लागू कर सकते हैं और इसको तमाम हिन्दुस्तानमें इसलिए लागू करना चाहते हैं कि आज भारत सरकार की तरफ से जितना भी रुपया रियासतों को दिया जाता है और जो हमारी योजनायें चल रही है उनमें जो खराबियां पैदा हो रही हैं तथा प्राइवेट सैक्टर (गैर सरकारी उद्योग) और पब्लिक सैक्टर (सरकारी उद्योग) में जो द्वन्द्व चल रहा है तथा उसके बारे में जो खराबियां पैदा हो रही हैं उनके बारे में यहां रोशनी डाली जाये और इन सब चीजों का पब्लिक को ज्ञान हो। यह जो इस किस्म की आलोचनायें की जाती हैं ये किसी व्यक्तिगत दुश्मनी के कारण नहीं की जातीं और इसका किसी को खयाल भी नहीं होता है। साथ ही यह नहीं बताया गया है कि किन किन रियासतों ने इसके बारे में क्या क्या राय दी हैं। सिर्फ मिनिटस आफ डिसेंट (विमति टिपण) से मालूम होता है और साथ ही कुछ मैम्बर साहिबान से बात करने के बाद मझे यह मालूम हुआ है कि पार्ट सी स्टेट्स ने तो इसे माना है लेकिन कुछ रियासत हैं जो कि इसके बारे में खामोश हैं और कोई जवाब उन्होंने नहीं भेजा है। मैं समझता हूं कि जब वे खामोश हैं, तो हम कैसे यह मान सकते हैं कि उन्होंने इसको नहीं माना है। हम इस खामोशी को नीमरजा या रजामन्दी क्यों नहीं मानते हैं। जो न्यूटरल्ज (तटस्थ) हैं, जिन्होंने कोई कमेंट (टिपणी) नहीं किया है उनको और पार्ट सी स्टेट्स को मिला कर लगभग दो तिहाई स्टेट्स इस बात के पक्ष में हैं कि स्टेट लेजिस्लेचर्स पर भी इस बिल को लागू किया जाये, जैसा कि मिनट आफ डिसेंट में जिक्र किया गया है। ऐसी सूरत में मैं कोई वजह नहीं देखता कि इस बिल को स्टेट लेजिस्लेचर्स पर क्यों न लागू किया जाये। इसको जरूर लागू किया जाना चाहिये।

श्री टेकचन्द ने क्लास ३ के बारे में जो कुछ कहा है मैं उससे सहमत हूं। अगर किसी अखबार में कोई बात छपती है, जो कि सबस्टेंशियली टरु (वस्तुतः सत्य) है और सवाल किया जाये कि वह मैलीशस है या नहीं, तो जब तक हम यह न तय कर लें कि वह पब्लिक-गूड (लोक हित) में है या नहीं, तब तक हम इस बात का फैसला नहीं कर सकते कि वह मैलीशस (दुर्भावनापूर्ण) है या नहीं। अगर हम यह तय कर लेते हैं कि वह पब्लिक-गुड (लोक हित) में है तो हम पबलिशर (प्रकाशक) की रक्षा करते हैं। तो मेरी समझ में नहीं आता कि यहां पर मैलीशस शब्द रखने से क्या फायदा है। सिर्फ यह देखना चाहिये कि पबलिकेशन सबस्टेंशियली ट्रु है या नहीं और वह पबलिक-गुड में है या नहीं। अगर वह सबस्टेंशियली ट्रु है और पब्लिक-गुड में है तो उसको प्रोटेक्ट करना चाहिए और इसमें "मैलीशस" शब्द रखकर ज्यादा उलझन नहीं पैदा करनी चाहिए। इसलिए unless the publication is proved to have been made with malice को हटाने का जो अमेंडमेंट है मैं उसका समर्थन करता हूं और जिस अमेंडमेंट में पब्लिक गुड को हटाने की कोशिश की गयी है मैं उसका समर्थन नहीं करता हूं।

Shri N. B. Chowdhury: I have moved amendment No. 13.

There is also a corresponding amendment No. 12 to clause 1. The purpose of these amendments is to include in

the ambit of this Bill the State Legislatures also. Whereas in the amendment of Shri Sadhan Gupta, he has sought to include the committees of Parliament and the committees of the State Legislatures, I have excluded the committees. I also think that it would have been proper to include the committees also, but I find that the majority of the Members of the Select Committee did not accept even the provision to include the State Legislatures—Legislative Assemblies and Legislative Councils. In the circumstances, as a measure of compromise, I have moved these amendments seeking to include only the State Legislatures and not the committees of Parliament and committees of State Legislatures.

Sufficient reasons have been given as to the necessity of including the State Legislatures. Apart from the fact that the same electors have elected the representatives to the State Assemblies as well as to this House, it is desirable that there is a uniform Press law throughout the country. It is also the desire of the Press Commission that with regard to the mode of publicity or the nature of the journalism, the same standard should prevail. So, I feel that it would be very wrong to exclude State Legislatures from the scope of this Bill. I want that we should bring within the ambit of this legislation the proceedings of the State Legislatures also. What is the reason for excluding it? It has been pointed out by certain Members of the Select Committee that some of the States did not agree to this. Parliament has the right to enact legislation so far as proceedings of the State legislatures are concerned and certainly we are not bound to abide by the opinion of a certain number of States. I think we should include at this stage the State Legislatures also in the Bill.

Shri Kamath: I shall be very brief; I will take 4½ minutes. May I speak on both of my amendments, because I have given an amendment to clause 1 also?

Mr. Chairman: Yes:

Shri Kamath: The Press, in a democracy, ought to be the most effective liaison between Parliament—I use the word Parliament in a comprehensive sense, all parliamentary institutions. State legislatures and even elected local bodies, are included in it—on the one hand and the people on the other. If we have to promote a healthy Press in our new democracy we have to see that the people have access to the proceedings of Parliament in as comprehensive a manner as possible.

I support the amendment moved by my hon. friend, Shri Sadhan Gupta, in so far as it relates to the proceedings of State legislatures. I do not think we should at present go so far as to include the committee proceedings within the ambit of this law. I would only suggest that—that is the most important clause of the Bill—malice and lack of regard for the public good should be the only considerations which should make the publication liable. I understand that some of the State legislatures have expressed their hostility to the Bill and a large number of them are reported to have remained neutral. I do not know what neutrality means—dynamic neutrality or some other kind of neutrality. But, hostility to the Bill on the part of some State legislatures, I can understand, because I myself have found in some States that the growth of a free and healthy Press is being hampered by various adverse influences. Amongst them are the actions of certain Ministers also who ring up on the telephone.... I am not talking of the Central Ministers at present; I see Mr. Pataskar is looking up. Some State Ministers have the bad habit of contacting Press agencies and newspapers correspondents on the phone or otherwise. They adopt various ways of trying to see that certain unpleasant proceedings are not published in the Press. In this matter I am constrained to say with the deepest regret that in some States even the Speakers and Chairmen are not exempt from this weakness. Therefore, it is essential that we should have a law of this kind whereby the Press will be protected against any such undue interference from whatever quarter it may come.

Mr. Chairman: How do you provide against it in the Bill?

Shri Kamath: I am only saying that such adverse influences must be killed.

I will briefly refer to the other amendment of mine about the deletion of the 'except the State of Jammu and Kashmir.' If we are anxious to promote a really healthy, vigorous, virile and democratic State on the frontier, Jammu and Kashmir—I am afraid democracy is at a discount at present in Jammu and Kashmir—if we are anxious to promote a healthy

democracy in that State also, we should see to it that the proceedings of Parliament, of this House and the other House, are fully, correctly and well reported in the Jammu and Kashmir Press. I find at present there are a lot of restrictions there on the Jammu and Kashmir Press. There is talk about the integration of Jammu and Kashmir, but in many respects there is no integration at all. This is one of the aspects which deserve the attention of this House, so that democracy may prosper and grow strong in that State. I realise there is some constitutional hurdle with regard to that matter. It is unfortunate that the Government,—of course this is a Private Member's Bill; I would however say it is in some way related to the Government; I hope my hon. friend will not misunderstand me—whenever Bills are brought in this House, says that it has not consulted the Jammu and Kashmir State. It is very wrong. When there is no Presidential Order, why should not the Ministers consult the Jammu and Kashmir Government on every occasion and ask what is their objection? I am sure they will have no objection to this. In that case, a clause may be added and the Presidential Order may issue subsequently. Here also Shri Feroze Gandhi may move the proper quarters—it may be easier for him than for others—so that Jammu and Kashmir may be included within the scope of this Bill.

Shri Pataskar: There are three or four points to which I would like to refer briefly. Taking the last point first,—of course, my learned friend Shri Kamath will say that it is the usual excuse as to why it is not made applicable to Jammu and Kashmir—there is the President's Order by which only we can legislate about certain matters so far as that State is concerned. I think, at any rate, when we are not going to make a law which would be applicable to the State legislatures, it is better for the time being to leave out Jammu and Kashmir.

Shri Kamath: Publication of parliamentary proceedings in the Kashmir press?

Shri N. M. Lingam: (Coimbatore): Papers from Delhi go there.

Shri Kamath: I say Kashmir press, Urdu papers, language press.

Shri Pataskar: For that purpose this need not be made applicable.

I will first of all turn to the merits of the Bill as it has emerged from the Select Committee. I think the Select Committee has very rightly, after taking everything into consideration, said:

> "Save as otherwise provided in sub-section (2) no person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament unless the publication is proved to have been made with malice."

Naturally, it is desirable that there should be a substantially true report. Nobody has disagreed with that. There has been some objection as to whether it is necessary to say that the publication is proved to have been made with malice. That means that the burden will be on the prosecution. As we know, it is a principle of general law that though we may allow the newspaper to publish what it feels, we do not allow publication to be made with malice, whether substantially true or otherwise, because that is not in the interests of society or in the public interest. Therefore, I do not think that my hon. friend—he is not there—need object to this wording.

Then, it is said:

> "Nothing in sub-section (1) shall be construed as protecting the publication of any matter the publication of which is not for the public good."

Naturally, when it will be for the public good, it is necessary that everything that is said here should be reported to the public. On that point also, there should not be any difference of opinion.

Another point that has been raised is whether we should extend this to the State legislatures. The difficulty that I would point out is this. If we examine the present position regarding distribution of legislative powers, in Schedule VII there is a State List and there is entry No. 39 which says:

> "Powers, privileges, and immunities of the Legislative Assembly and of the members and the committees thereof, and, if there is a Legislative Council, of that Council and of the members and the committees thereof..... etc."

State List entry No. 39 relates to the privileges etc., of the Legislative Assembly or Council. If we read it along with article 194, it is not free from doubt whether so far as this matter is concerned, it may not come entirely within the State List. In the Concurrent list, what is mentioned is newspapers, etc. So far as proceedings of the Parliament and Legislative Assemblies are concerned, it is not free from doubt whether it is not a matter of privilege of that House. As to what should or should not be published here. It is a matter of privilege which rests with this House and of course, it is exercised by the Speaker himself, I am not expressing any definite opinion. But, I would like to point out that we need not launch ourselves into the difficulties of trying to run when we should rather move very cautiously.

Then, again, in the Concurrent List we have Criminal Procedure, etc. On these matters, the general intention is that we consult the State Governments and then introduce legislation here. In this case, the State Governments are not unanimous. Some Governments have opposed it. From every point of view. I think that, for the first time when we are going to make a legislation like this, we may confine it to the proceedings of Parliament itself. There may be some difficulties as pointed out by my friend Shri S. S. More. I think, for the time being, we may pass this Bill and then wait. It may be that in course of time the State legislatures may take up the matter themselves. There will be no difficulty constitutional or otherwise if they pass similar Acts in their own States. Probably there will be public pressure. It was pointed out by my hon. friend that State Ministers ask the people to publish certain things.

Shri Kamath: Not to publish.

Shri Pataskar: The position is.....

Shri Feroze Gandhi: In view of the difficulties that I have pointed out, would you not agree that whatever legislation is to be passed, will have to be initiated here and not in the States?

Shri Pataskar: It is not quite free from doubt. But, certainly, if it is possible, we shall examine the matter. As pointed out in article 194 read with entry 39, it is a question of privilege, and there is the contention of the State Government. We shall examine whether it is correct or otherwise. But, I think we need not hold up this matter from that point of view and allow matters to go to court and be agitated. We will ourselves write to the State Governments. It may not be a distant time when the State legislatures will also do it.

Another point raised is that let this be extended to the Committees also. I find that even under the rules that are framed, the Committee proceedings are of a confidential nature. Whatever transpires in the Committees, so long as it is not submitted to this House and the Speaker, cannot be published or in any way go out. That means that it would not be proper to extend this to the Select Committee even under the rules, as Pandit Thakur Das Bhargava and others know. I need not point out the rule. I think that is right also. When I was the Chairman of the Company Law Committee, I will now say, once, some sort of a report of the evidence tendered was published in some paper. I had to write to him that it was not proper that without the permission of the Chairman, you should have published. From the point of view of the work of the Committee, if public confidence goes like this by the publication of such things, the work of the Committee will suffer. In that matter I myself found it difficult. I had to take very strong action, and say that if anybody wants to submit anything to the public, he cannot go and publish it without the permission of the Committee. What I submit is, if we want the Committees work should be efficient and proper, the proceedings ought not to be allowed to be published at that stage.

[MR. DEPUTY-SPEAKER *in the Chair*]

When the Committee has finished its work and the report and proceedings are submitted to the House, naturally they become public property. There is no difficulty. They form part of the proceedings of the House.

Shri Sadhan Gupta: The reports are not part of the proceedings of the House.

Shri Pataskar: Whenever a report is presented to this House, naturally, it forms part of the proceedings. What else can it be? That would be a different matter. Of course, whether the Speaker has got or has not got the power, how much of it should be allowed to be published etc., is a different

matter. To allow that it should be extended to all the proceedings of the committees will strike at the very foundation on which we have started functioning in this Parliament.

Shri Sadhan Gupta: How is it done in England?

Shri Pataskar: I have not gone to England, but I will make enquiries. From the little knowledge I possess, there are no Select Committees there. There, the House converts itself into a committee and I am told at that time nothing is published in the press, no reports are taken. That is the position. If further information is needed, we will find out.

So far as our rules are concerned, considering the way in which our committees work and the rules have been framed, I think it should not be extended.

Therefore, I agree that the Select Committee has not gone as far as some Members would wish. However, I think this is a very good Bill with a very good objective. This is a very good beginning. I hope and trust, in spite of all the criticism, when this is passed, sooner or later the State Assemblies will also consider that they should pass similar enactments. We will have set before them the standard for the way in which we should proceed.

So, I commend the effort of my friend Shri Feroze Gandhi who has so ably put forward this Bill of such an important nature which I am sure will lay down a very good precedent.

Shri Velayudhan (Quilon *cum* Mavelikara—Reserved—Sch. Castes). And bring more useful Bills.

Shri Pataskar: I commend this to the acceptance of the House, and I really appreciate the effort he has put into a very right and important Bill.

Shri Feroze Gandhi: I would just like to add a few words to what Shri Pataskar has said.

I have noted what my friend Shri Tek Chand had to say about removing the words "unless the publication is proved to have been made with malice". If Shri Tek Chand would look at the Statement of Objects and Reasons of the Bill which I moved, he will find that I was asking for a qualified Bill and not an absolute Bill.

Shri A. M. Thomas: (Ernakulam): Wherever there is similar legislation, the same is the provision.

Mr. Deputy-Speaker: But he must press the qualification he desires.

Shri Feroze Gandhi: I had deliberately put in these words "unless the publication is proved to have been made with malice" in the original Bill, and the Select Committee has nothing to do with. These words are there in the original Bill. Therefore, the responsibility is mine and not that of the Select Committee. Lines 15 to 17 of page 1 read:

> "Nothing in sub-section (1) shall be construed as protecting the publication of any matter, the publication of which is not for the public good."

If these words are not there, only "substantially true" remains, and that is more or less conferring an absolute privilege. I am not asking for an absolute privilege. I want that the privilege should be qualified one, and not an absolute one.

With regard to the proceedings of the committees of the House I am told that as soon as a report is laid on the Table of the House, it is taken as part of the proceedings. Therefore I do not think that that question arises.

With regard to this other question which I think most Members want, that the provisions of the Bill should be extended to State legislatures, I might say that I have to oppose it, and that can only....

Some Hon. Members: Why?

Shri Feroze Gandhi: Whimsicalities of parliamentary proceedings. I hope you do not want me to say more than that. Although I would have liked it, unfortunately we must make the best of the bargain available.

Mr. Deputy-Speaker: I think all the amendments have now been discussed. Would the hon. Members want me to put them altogether.

Shri Sadhan Gupta: I have an amendment to clause 4.

Mr. Deputy-Speaker: All right. I will put amendments to clause 3 first. Would any hon.Member like me to put his amendment separately, or can I put them all altogether?

Shri Kamath: Separately.

Mr. Deputy-Speaker : Is there any particular amendment that the hon. Member wants?

Shri Kamath : I have got only two.

Shri R. D. Mishra : I withdraw my amendments.

Mr. Deputy-Speaker : The hon. Member wants the permission of the House to withdraw his amendments. Has the permission of the House?

Hon. Members : Yes.

The amendments were, by leave, withdrawn.

Shri N. B. Chowdhury : I would like you to put amendments Nos. 12 and 13 separately.

Mr. Deputy-Speaker : I will put No. 13. Amendment No. 12 is to clause 1 and not to this clause.

Mr. Deputy-Speaker : The question is :

Page 1, line 13—

for "either House of Parliament" *substitute* "the Legislatures"

Those in favour will say "Aye"

Some Hon. Members : Aye.

Mr. Deputy-Speaker : Those against will say "No"

Some Hon. Members : No.

Mr. Deputy-Speaker : The Noes have it.

Shri Sadhan Gupta : The Ayes have it.

Shri V. P. Nair (Chirayinkil) : It is very clear.

Mr. Deputy-Speaker : May I ask the hon. Members in favour to stand in their seats ?

An Hon. Member : Let the bell ring. There are so many people in favour.

Mr. Deputy-Speaker : Let me have an idea. Then I will see.

Some Hon. Members *rose—*

Mr. Deputy-Speaker : There are eight in favour.

Several Hon. Members *rose—*

Mr. Deputy-Speaker : That is a large majority.

Shrimati Renu Chakravartty : (Basirhat) : Some are neutral.

Mr. Deputy-Speaker : Whatever the case, the amendment is lost.

The motion was negatived.

Mr. Deputy-Speaker : The question is :

Page 1, line 13—

after "either House of Parliament" *insert—*

"or of a State Legislature or of either House of a State Legislature where it consists of two Houses or of any Committee of any of the Houses aforesaid".

The motion was negatived

Mr. Deputy-Speaker : The question is :

Page 1, line 13—

after "either House of Parliament" *insert*:

"or of any House of any Legislature in India or of any Committee of any House of Parliament or of any House of any Legislature in India."

The motion was negatived

Mr. Deputy-Speaker : The question is :

Page 1, line 13—

after "Parliament" *insert* :

"or of any Committee of any of the Houses aforesaid."

The motion was negatived

Mr. Deputy-Speaker : The question is :

Page 1—

omit lines 15 to 17.

The motion was negatived.

Mr. Deputy-Speaker : There is no other amendment to clause 3.

Shri Kamath : There is No. 6. I would like to withdraw it, I do not press it.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his amendment?

Some Hon. Members: Yes.

An Hon. Member: No.

Shri Kamath: You may put it.

Mr. Deputy-Speaker: If there is a "No", I have to put it. The question is:

Page 1, line 12—

For "true" *substitute* "correct".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(Act also to apply to Parliamentary proceedings broadcast by wireless telegraphy)

Shri Sadhan Gupta: There is my amendment No. 11. I beg to move.

Page 2, line 4—

after "broadcasting station" *insert*: "situate"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 1—Short Title and extent

Mr. Deputy-Speaker: There is one amendment to clause 1 which if the hon. Member desires I shall put to the House.

Shri Kamath: Yes.

Mr. Deputy-Speaker: The question is:

Page 1, lines 5 and 6—

omit "except the State of Jammu Kashmir"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

Shri Feroze Gandhi: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MINES (AMENDMENT) BILL

(Amendment of Section 33 and 51)

Mr. Deputy-Speaker: The House will now take up the Mines (Amendment) Bill. The time allotted for this Bill is 1½ hours.

Shri T. B. Vittal Rao (Khammam): I beg to move:

"That the Bill further to amend the Mines Act, 1952, be taken into consideration."

By this amending Bill, I seek to increase the annual leave of the workers covered by the Mines Act from seven days to one month with full pay. I also seek to provide that the workers who are covered by the Mines Act, and who are working on the surface, should be paid twice the normal wages for overtime work, instead of one and a half times as is obtaining at present, so that they may be brought on a par with their counterparts on the factory side.

Today, there are nearly six lakhs of workers covered by the Mines Act. I am very happy to move for consideration of this Bill at this time, when the Industrial Committee on Mines of the International Labour Organisation is meeting at

Istanbul, discussing the ways and methods of improving the working conditions of the workers engaged in the coal mines and other mines. Further, whenever I had an opportunity to move for consideration of my Bills in this House in the past, I was always preceded by a private Member whose Bill was accepted by Government. I do not know what attitude the Minister of Labour will adopt towards my Bill.

Shri Velayudhan (Quilon *cum* Mavelikara—Reserved—Sch. Castes) : He will accept it.

Shri T. B. Vittal Rao : I wish he accepts it.

Mr. Deputy-Speaker : Let us not anticipate it.

Shri T. B. Vittal Rao : In this very House, I have on several occasions drawn the attention of Government to the arduous and hazardous nature of the work done by those employed in those mines. If a comparison were to be made between the working conditions in India and those in other countries, we shall find that we are far behind. For example, let me take the conditions of the coal miners in England. There, a coal miner works only for five days in a week, as against six days in a week in India. There, he is paid for five days' work in a week, seven days' wages, whereas for six days' work in India, only six days' wages are paid. Further, in the coal mines and the gold mines in particular, not a single underground worker will be able to perform work for more than four or five days in a week of six days. In the Soviet Union, workers employed underground work only for 6 hours a day as against 8 hours in our country. As regards wages and living conditions, the mine workers in India are at the bottom compared to their counterparts in other countries. Their living and housing conditions are appalling. Their work conditions are very dangerous. In England just before the war, taking a list of 100 industries, the coal miners' wage on an average was somewhere near 88 in the list. Today the coal miners in England draw the the highest wages. Not only that, there is a wide gap between the coal miner's wage and the highest wage obtaining in other industries.

Let us see how the industry has been progressing during all these years. Today the coal industry is enjoying a boom. The production of coal has increased. In 1952, the total production of coal in India, employing 3,25,000 workers, was 36 million tons, in 1953, the production was 36 million tons, in 1954, 37 million tons and in 1955, 38 million tons. If we take the productivity of the coal miner, there also there has been an increase; in some cases, the productivity of a coal miner, compared to 1947, has increased by nearly 30 per cent. In 1947, the *per capita* output during the whole year of a coal miner was 82·8 tons. In 1951, the first year of the First Five Year Plan, it was 98 tons, and in 1954, it was 108 tons. I am unable to quote the figure for 1955, because we have not got the report yet. Not only that, the report of the Chief Inspector of Mines for 1954 is not yet published. This is the position.

Let us take, for example, the gold mines. There also there has been an increase in production and productivity. In the labour union of the gold mines in the State with which I am connected, the gold produced during 1950 was 7,320 fine ounces. In 1954 with less number of workers—in 1950, they were about 1,400; in 1954, they were 1,200—they produced 18,646 fine ounces of gold. The same can be said of the Kolar gold fields where the work conditions are very hard. The Kolar gold fields today have the deepest mine in the world. There is no gold mine or any other mine in the world where the worker has to go 10,000 feet down to extract this gold from the bowels of the earth.

Then, I come to the value of production, the value of the coal produced. In 1947, it worked up to Rs. 43:77 crores; in 1951, Rs. 50:47 crores and in 1954, Rs. 53·75 crores. There has been an increase in the value of coal produced.

The average price of various sorts of coal produced in our country, in 1946, was Rs. 12 per ton. In 1954, it was Rs. 14-9-0 and in 1955, Rs. 14-12-0 per ton.

I come to the profits. I take only a few companies, 55 in number. The profits index, taking it to be 100 and the basic year to be 1939, the profits rose.

in 1947	to	171·8
in 1951	to	178·4 and
in 1954	to	220·4.

The profits also increased two times. But, may I humbly ask, to what extent the workers who have produced this wealth have been benefited. There has been, I agree, a liberalisation of the Mines Act in 1952. That was the first occasion when a statutory provision for

annual leave with wages was made. But, that too was only 7 days in a year, as against 12 to 14 days to a factory worker, which in some factories is more according to agreements or awards. But, after that, during the whole 5 years when there has been so much increase in production, the workers' wages have never been revised. Today, in the coal industry, the wages of the workers are much less than what they got in 1926—what to talk of 1939. The real wages which a worker engaged in the coal industry gets is much less than what he got in 1926. The Minister will say that they have appointed an all India Industrial Tribunal and the Award is with him. I do not know when the Award will be published. I do not know what is in that. But, this is a fact that during the plan period, despite the fact that there has been an increase in production and an increase in profits, the workers have not got increased wages; nor have new amenities been provided for the workers.

Recently, there has been some liberalisation of provident fund for coal miners. That was on July 18, 1955. In India, the coal industry was the first to have provident fund. The Employees Provident Fund Act came into force in 1952 but they were enjoying it even before and the employer had to pay a contribution even on dearness allowance. But this facility was refused to the coal miners who were enjoying this facility ever since 1940. This clearly shows our Government's indifference in these matters.

I now come to accident rate. In the mines, the accident rate, both fatal and serious, is 9 times more than in other factories. In 1947, for a thousand workers engaged, it was 79. It increased to 0·90 in 1951; in 1954 it was 1·19. This means far more profits to the employers. The net result is that the worker in the coal industry has to be subjected to more risk and accidents. The figures show this. If you take serious accidents, according to the figures given by the Ministry in this very House, nearly 4,000 workers are subjected to serious accidents. A serious accident in a mine means that generally the worker is disabled and is unfit for further work. He loses a limb in such an accident. For the rehabilitation of the workers there are some schemes, but many are not benefited by those schemes. When we compare the condition of the workers, it is pitiable. For instance, in Madhya Pradesh, where there are nearly 40,000 miners engaged in the mines, the wages are Rs. 9 per week and it is a little more in Jharia, and in Bihar, and in Bengal, and also in Rajasthan. When you take the salaries of the managers in this industry—I am only showing these things whether the industry has got the capacity to pay—they range from Rs.1,000 to Rs.3,000 per month. Our Minister is fully aware of this, because he finds great difficulty in recruiting an Inspector of Mines to carry out inspections. The Government pays less wages, that is, somewhere between Rs. 400 and Rs. 800, and so nobody comes here; the people go and work as managers. In the Singareni, Tata Collieries and Bird and Company, the general manager is paid about Rs. 3,500 a month. In addition to this, he gets a rent-free bungalow, a hire-free refrigerator and a car allowance of about Rs. 300. Sometimes cars are purchased by the company and given to them. They go about in the best of cars. They would purchase one in 1950, and in 1952 you would see them in another brand new car, the other one having been scrapped. Above all these things, the general manager gets three months' bonus, amounting to something like Rs. 10,000 or Rs. 11,000 per year. This is another additional income.

During the recent sittings of the tribunal we had an occasion to examine the Cost Accounts Officer of the Indian Mining Association. I am citing this because the Indian Mining Association has got under it companies whose output is 60 per cent. of the total output in India. Our Government consult only three or four of the companies in the Indian Mining Association and fix the price of coal. When we examined this cost accounting officer, he came and told us, when we demanded the cost of production of coal and the coal price, that they always hid the cost sheets. This was Mr. Forest,. Our Minister might know these things. Then we asked him about coal exported by individual companies. He refused to give us figures and said that exports were arranged under the fiercest competition and therefore, they were not prepared to declare to us the things that we wanted. The truth is that they got double the price when they export. If it is Rs. 16—now it is Rs. 16-4-0 per ton, they get Rs. 32 or Rs. 34. That is why he refused to divulge these things.

In this coal industry, there are four companies whose output is equal to twenty per cent. of the total production There are other companies. A few years

ago, the names of these collieries were known as: market collieries, Government collieries and captive collieries. The last mentioned is at the disposal of a factory. For instance, the Tata Iron and Steel factory wants coal and so it own certain coal mines. There are such mines owned by the railways, etc., so that they can get their requirements of coal.

You will be surprised that last year when the retention price of steel was increased, they have treated these collieries, a block of the coal mines, as an integral part of the factory. By that, they were able to get more price than the controlled price.

There is no industry in India—no major industry—where festival holidays with pay are denied. In coal industry, we get only two holidays in a year. That too is not given by all the companies but by very few companies. Two national holidays—January 26th and August 15th —are paid holidays. In the other factories, there are eight to fifteen paid festival holidays in a year. The workers' unions are asked to select the holidays they want out of a list. I have shown that the worker in this industry is subjected to a greater risk and becomes a victim of premature old age. Particularly the workers in the mines should be given certain facilities. Why should they be given only seven days' rest in a year? Should he not have enough holidays with pay at least for rest, so that he may recuperate and give his best. There is also this overtime. Why should such a discrimination be made between a worker in the Mines under the Mines Act and a worker under the Factories Act? Here, the mine worker who goes underground in the mines, where there are chances of his not returning back alive, is not given anything. Why this distinction? Under the Factory Act, the surface workers get twice the wages for over-time work whereas it is only one and a half times for the mine workers. In the mines, out of 3,25,000 workers hardly one lakh will be surface workers. Why deny them this privilege which has been accepted by the International Labour Organisation? Why should there be any distinction?

Then I come to the iron ore mines. Today, unfortunately, in iron ore there is no public sector. Recently the Commerce and Industry Minister told us that the Government is going to work iron ore mines with an estimated annual output of 2 million tons. We welcome that. This industry, excepting those managed by big companies, is disorganised at almost all places. Even the organisation of workers is very difficult. Hired goondas are sent by the employers to disrupt such an organisation. In this particular industry there is vast scope for improvement. There is vast scope for earning foreign exchange through export and also for utilising the iron ore for our own three steel factories that are coming up.

Then there are manganese mines where the profits are huge. Our friend Shri Kamath will tell the House how in C. P. the manganese company has been looting us. He says that some of the profit has gone to the Congress election funds also. In the year 1952 or 1953 the question of their wages was taken up and it was referred to a Tribunal. Then the whole case went up to the Supreme Court and it was hanging fire for four years. Now the Industrial Tribunal has given an Award, but in many places it is not implemented.

This is the position of the mines. If you try to organise these workers, in Madhya Pradesh it is impossible. Trade union activity is impossible in Madhya Pradesh. There is so much of repression. Hired goondas are sent by the employers. There is no protection at all from the State Government. Sir, this is a fact. We have brought this to the notice of the Minister also. Conditions are slightly better in Bihar and Bengal and trade union activity has been possible, not because of the attitude of the Government, but because we have been able to organise very strong trade unions. We used to agitate and struggle and therefore, we were able to get better facilities.

I will only draw the attention of the hon. Minister to the chapter on minerals in the draft Second Five Year Plan.

Mr. Deputy-Speaker : That seems to be a new chapter. Is the hon. Member likely to take more time?

Shri T. B. Vittal Rao : Ten more minutes, Sir.

Mr. Deputy-Speaker : He may continue his speech on the next day.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Monday, the 7th April, 1956.

COLUMNS COLUMNS

BILL UNDER CONSIDERATION 7245-7338

Further consideration of clauses of Hindu Succession Bill, as passed by Rajya Sabha, was continued. Clause 7 was adopted, as amended Clauses 8 and 9 were adopted. Consideration of clause 10 was not concluded.

PRIVATE MEMBER'S BILL INTRODUCED 7339

Factories (Amendment) Bill (*Amendment of Section* 51 54 *and* 59) was introduced by Shri T. B. Vittal Rao.

PRIVATE MEMBER'S BILL WITHDRAWN 7339-47

Further discussion on the motion to consider the Electricity (Supply) Amendment Bill (*Amendment of Section* 77 *etc.*) moved by Shri Sadhan Gupta on the 20th April, 1956, was resumed. The Bill was withdrawn by leave of the House.

PRIVATE MEMBER'S BILL PASSED 7347-55 7355-78

The motion to consider the proceedings of Legislatures (Protection of Publication) Bill, as reported by the Select Committee, was moved by Shri Feroze Gandhi. The motion was adopted. After the consideration of clauses the Bill was passed as amended.

PRIVATE MEMBER'S BILL UNDER CONSIDERATION 7338-84

The motion to consider the Mines (Amendment) Bill, (*Amendment of Section* 33 *and* 51) was moved by Shri T. B. Vittal Rao. The discussion was not concluded.

AGENDA FOR MONDAY, 7TH MAY, 1956.

Further consideration of the Hindu Succession Bill.

GIPN—S2—111 Lok Sabha 24-1-57.—840